

Mornington Peninsula Planning Scheme Review No. 5 2023



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List of Abbreviations

DTP - Department of Transport and Planning
ESD - Environmentally Sustainable Development
LDRZ - Low Density Residential Zone
LPPF - Local Planning Policy Framework
MPLPS - Mornington Peninsula Localised Planning Statement
MPS - Municipal Planning Strategy
MSS - Municipal Strategic Statement
PPF - Planning Policy Framework
UGB - Urban Growth Boundary
VCAT - Victorian Civil & Administrative Tribunal
VIF - Victoria in Future

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Appendix 1: 2018 Planning Scheme Review Implementation Plan – Audit
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1. Executive Summary

The Mornington Peninsula Planning Scheme (the 'planning scheme') is a statutory document that sets out the objectives and rules for how land on the Mornington Peninsula can be used and developed. These directions are written in the form of zones, overlays, provisions and policies which include State, regional and local content. The planning scheme applies to all public and private land within the Shire, excluding land that is owned by the Commonwealth Government.

The planning scheme is sizable and complex, having been incrementally amended at both a State and local level since its inception in 1999. Now 24 years old, the planning scheme is one of the most expansive and complex in Victoria. Its framework of State and local policies is supported by a mix of mandatory and performance-based controls articulated via 16 different zones and 23 associated schedules, layered with 16 separate overlays and 84 individual schedules.

Mornington Peninsula Shire Council (the 'Council') is the planning authority responsible for administering the planning scheme¹. Under Section 12(B) of the *Planning and Environment Act 1987* (the Act), Council is required to review its planning scheme every four years and report its findings to the Minister without delay.

This report sets out the 2023 Review which has been carried out generally in accordance with the relevant requirements and guidance material provided by the Department of Transport and Planning (DTP). It covers the period between the last planning scheme review in 2018 (the '2018 Review') up to the end of 2023.

In summary, the review provides an analysis of what is working well and what areas of the planning scheme could be improved. It also explores changes, issues and emerging trends at both a State and local level that have occurred since the previous planning scheme review was carried out in 2018 and their associated implications for the operation and content of the planning scheme.

In doing so, the review provides Council with a recommended program of strategic work including planning scheme amendments and strategic projects that are required to ensure the planning scheme is efficient and effective in achieving State and local planning objectives. In total, the review provides ten new actions in response to key issues and recommends continuing with a further 45 actions previously identified in the 2018 review that are currently underway, ongoing or yet to commence.

¹ Except where the Minister for Planning is identified as the planning or responsible authority.

1.1. Summary of key findings

This review confirms that Council has undertaken a significant program of strategic work in response to the comprehensive 2018 Review. A detailed audit has revealed that, whilst some items were abandoned, lapsed or deferred, 70% of the recommendations from the 2018 Review have either been completed or substantially progressed. The net result is a wealth of adopted strategic directives for the Shire concerning:

- Housing and settlement
- Neighbourhood and township character
- Protection and management of environmentally significant areas (Green Wedge, Tootgarook Wetland and Balcombe Estuary)
- Environmentally Sustainable Development (ESD)
- Heritage preservation
- Industrial land use and infrastructure
- Parking Precinct Plans for major activity centres
- Township and activity centre planning

A total of 50 Planning Scheme Amendments have been approved by the Minister for Planning since the 2018 Review.

Significant completed amendments include:

- **Amendment C242morn:** Extended the expiry date of the existing interim Design and Development Overlay (Ocean Beach Road Sorrento Commercial Precinct) to 31 July 2023. **Amendment C299morn** subsequently extended the expiry date further to 31 July 2024
- **Amendment C214morn:** Implemented the findings of the Mornington Peninsula Shire Heritage Review, Area 2 Volume 2 and introduced permanent Heritage Overlays to heritage places in Arthurs Seat, Capel Sound, Dromana, Fingal, Hastings, Main Ridge, McCrae, Red Hill, Rosebud, Rye, and Somerville
- **Amendment C262morn Part 1 and Part 2:** Implemented the Mornington Peninsula Shire Heritage Review, Stage 3, by applying the Heritage Overlay to places of local heritage significance
- **Amendment C267morn:** Corrected various ordinance and mapping anomalies, removed redundant provisions
- **Amendment C281morn:** Implemented Council's adopted Parking Precinct Plans for Mornington, Rosebud and Hastings
- **Amendment C282morn:** Implemented the recommendations from the Crib Point Township Plan and Western Port Coastal Villages and Surrounding Settlements Strategy
- **Amendment C190morn:** Implemented the Hastings Town Centre Structure Plan, October 2017

- **Amendment C206morn:** Implemented the Rosebud Activity Centre Structure Plan
- **Amendment C224morn:** Implemented the Dromana Township Project Report
- **Amendment C227morn:** Implemented the recommendations of the Tootgarook Wetland Management Plan.
- **Amendment C269morn:** Implemented the Baxter and Somerville Structure Plans
- **Amendment C232morn:** introduced a Local Planning Policy to provide policy guidance for Environmentally Sustainable Development (ESD).
- **Amendment C270morn:** rezoned specific sites outside the Urban Growth Boundary (UGB) from the Special Use Zone Schedule 2 (SUZ2) to either Green Wedge Zone Schedule 3 (GWZ3), Public Conservation and Resource Zone (PCRZ) or Public Park and Recreation Zone (PPRZ).
- **Amendment C275morn:** implemented the Rye Urban Design Guidelines and Rye Township Plan

In addition to the above amendments – and perhaps the most significant – was **Amendment C279morn** which translated all planning policy within the planning scheme into the new Planning Policy Framework (PPF). The amendment saw the replacement of the former Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) with the new PPF and Municipal Planning Strategy (MPS). It involved meticulous analysis and review to realign the expression of policy into succinct State, regional and local content in accordance with strict rules set down by the State Government. The translation also importantly integrated the key strategic directions of the Mornington Peninsula Localised Planning Statement (MPLPS) into the PPF, including those which seek to maintain the UGB and to protect green wedge land from inappropriate development. The amendment amounted to a major refresh of policy expression that – significantly – resulted in the completion of 78 of the 236 recommendations made in the 2018 Planning Scheme Review.

The following additional amendments are currently underway:

- **Amendment C241morn** which seeks to implement Council's adopted Balcombe Estuary and Associated Reserves: Ecological and Planning Study (Biosis, 2022).
- **Amendment C271morn** which seeks to implement the strategic directives of Council's adopted Western Port Coastal Villages and Surrounding Strategy (Ethos Urban, 2019).
- **Amendment C286morn** which seeks to apply a permanent Design and Development Overlay to the Ocean Beach Road Commercial Precinct in Sorrento.
- **Amendment C246morn** which seeks to introduce a new Particular Provision to facilitate zero carbon development through strengthened ESD requirements.
- **Amendment C247morn** which seeks to create a new residential precinct at Woodbyne Crescent and Albany Way, Mornington.

- **Amendment C249morn** which seeks to create a new residential precinct at Boundary and Collins Roads, Dromana.
- **Amendment C243morn** which seeks to create a new industrial, technology and business park at 83 and 79 Bungower Road, Somerville.
- **Amendment C256morn** which seeks to facilitate subdivision of land in Bundara Crescent, Mt Eliza.
- **Amendment C293morn** which seeks to rezone land near the Somerville Railway Station for commercial purposes.
- **Amendment C295morn** which seeks to introduce a revised Development Contributions Plan for recently rezoned residential land in Creswell Street, Crib Point and associated **Amendment C300morn** which seeks to extend the expiry date of the existing Development Contributions Plan.

The most significant amendment currently underway is **Amendment C219morn** which seeks to implement Council's adopted Housing and Settlement Strategy: Refresh 2020-2036 (2020) and Neighbourhood Character Study & Guidelines (2019). This amendment proposes significant changes to zones, overlays and policy affecting all residential areas across the Shire to ensure future housing growth is directed to the right locations (near services, shops and employment areas) whilst ensuring new development respects preferred neighbourhood character. A major planning initiative several years in the making, the amendment will address numerous recommendations from the 2018 Review relating to managing housing growth and neighbourhood character as well as simplifying planning controls where possible.

Notwithstanding Council's considerable progress, several important initiatives arising from the 2018 Review are either yet to be completed or require further work. These actions remain pertinent to the overall improvement of the planning scheme and have therefore been integrated into the implementation plan resulting from this 2023 Review. In summary, the following key areas of work remain outstanding:

- Reviewing existing residential height planning permit triggers based on detailed landscape character analysis
- Protecting places of heritage significance through completion of the Shire's municipal wide heritage review
- Strengthening natural systems and vegetation provisions through the implementation of Council's adopted Biodiversity Conservation Plan (2019) and review of relevant overlays
- Continuing to address climate change and environmental risks, especially sea level rising, erosion and flooding with associated advocacy for State Government intervention
- Continuing to support the provision of affordable housing through the introduction of a new policy or mechanism to collect contributions to help meet escalating demand for such housing within the Shire
- Reviewing advertising signage policy and/or controls to better protect township amenity

- Strengthening the mitigation of landslip risk through the review of susceptibility data and modelling and associated application of the Erosion Management Overlay
- Considering the feasibility of, and developing a comprehensive and coordinated framework for infrastructure provision and management (especially for open space, drainage and sewerage) with the establishment of a staged Shire-wide Development Contributions Plan
- Implementing the key strategic directions from Council's adopted Activity Centres Strategy (2018) and Industrial Areas Strategy (2018)
- Applying the Special Building Overlay (SBO) to flood prone land in partnership with Melbourne Water following the completion of catchment modelling across the Shire
- Completing the audit, testing and review of potentially contaminated land and applying the Environmental Audit Overlay (EAO) to sites as required
- Undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes
- Implementing Council's adopted master plan for The Briars
- Continuing to lobby State Government for a confirmed future role for the Port of Hastings and the release of surplus land for a range of alternative use and development including housing, industrial, open space and conservation purposes

The Review identifies the following new strategic planning work and includes them in the implementation plan at Appendix 3:

- Undertake a strategic review of the Low Density Residential Zone (LDRZ) areas to simplify the application of the LDRZ across the municipality
- Prepare an Urban Design Assessment of all small townships, local centres and convenience centres on the Port Phillip Bay side of the Mornington Peninsula that do not currently have specific built form controls
- Undertake a review of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document
- Continue to advocate for the State Government to review and revise existing bushfire planning provisions (including as-of-right vegetation removal exemptions) to minimise unnecessary vegetation loss on private land within the Shire
- Continue to advocate for the State Government to elevate ESD targets to achieve carbon neutral and climate change resilient development
- Implement the key strategic directions and recommendations of the following projects and strategies currently underway into the planning scheme through revised local policies and provisions as required:
 - Mornington Peninsula Open Space Strategy
 - Our Coast Our Future Coastal Strategy
 - Integrated Transport Strategy
 - Economic Development & Tourism Strategy

- Affordable Housing Development Contributions Strategy
- Review of Residential Height Planning Controls

Lessons learnt from planning permit decisions made by the Victorian Civil and Administrative Tribunal (VCAT), include the importance of not placing too much weight on adopted Council policies or strategies in decision-making where these documents are yet to become “seriously entertained” planning proposals. (That is, base decisions on existing planning provisions instead of relying on documents that are not yet integrated into the planning scheme or have undergone rigorous independent review as part of the planning scheme amendment process). This lesson is particularly relevant to Council’s adopted Housing and Settlement Strategy: Refresh 2020-2036 (2020) and Neighbourhood Character Study & Guidelines (2019), emphasising the need to finalise Amendment C219morn to ensure the key strategic directions of these documents are imbedded in the planning scheme to legitimately influence development outcomes.

Recent VCAT cases also demonstrate the need to continually monitor the application of local policy in decision-making following the PPF translation, and to seek to strengthen local policy where required – particularly in relation to out-of-centre development and linear development of coastal land. The outcomes of such cases also highlight the need to continue to advocate the State Government for stronger and clearer policy and controls for green wedge land to ensure greater consistency in decision-making.

Lessons learned from recommendations made by Planning Panels Victoria (PPV) about planning scheme amendments included the need to:

- ensure the planning scheme is providing for a 15-year housing supply (and the associated need investigate the potential for Low Density Residential Zone areas to accommodate a higher level of housing growth without compromising the landscape or character of these areas)
- provide comprehensive and robust strategic justification to successfully support any proposed mandatory building height or setback controls in activity centres, and
- consider using the Activity Centre Zone for the Shire’s activity centres in future.

A review of Community Satisfaction Rates for planning for the last four years show that the Mornington Peninsula Shire Council is on par with other interface Councils for general town planning and planning and building permits performance.

Finally, the review recommends that Council continue to monitor, provide feedback on, and respond to new State Government policy or provision changes that may have an impact on the Mornington Peninsula Planning Scheme going forward. These may include changes relating to:

- implementing the State Government’s recently released Housing Statement
- the pending release of the State Government’s new Plan for Victoria
- the mitigation of climate change and sea level rise impacts

- the State Government's Environmentally Sustainable Development of Buildings and Subdivisions: Roadmap Part Two
- Green Wedge reforms
- policy interpretation by the Victorian Civil and Administrative Tribunal (VCAT)
- legislative reforms
- land use planning and the role of the Port of Hastings.

New strategic planning work that has been identified will form the basis of the strategic planning work program the Council will progress over the coming years, subject to budget and resourcing requirements. The recommendations requiring further strategic work will be the subject of subsequent, strategically justified planning scheme amendments that will include community consultation.

It is noted that a planning scheme amendment is not considered necessary to implement the findings of this review as all identified actions are either captured by current amendments or will form part of further strategic assessment and future amendments.

2. Introduction

2.1. Purpose

The purpose of the 2023 Review is to provide an overview of the performance of the Mornington Peninsula Planning Scheme since its last formal review in 2018. In doing so, it provides a commentary and analysis of:

- The strategic background to this Review, including an audit of strategic work undertaken by Council since the last formal review
- Relevant case law and planning panel reports that have implications for the content and operation of the scheme
- The State and local strategic context, including recent significant policy changes
- The major planning issues facing the Mornington Peninsula, including both existing and emerging themes
- The strategic performance of the scheme in implementing State planning policy, effectively expressing local policy directives, and appropriately and efficiently utilising zone and overlay controls to deliver desired planning outcomes for the Peninsula.

The report outlines recommendations to identify and prioritise a program for future strategic planning work (including planning scheme amendments) to improve the performance, effectiveness, and operation of the scheme.

2.2. Legal requirements and scope of the Review

Section 12B of the *Planning and Environment Act 1987* (the Act) requires Council to regularly review the provisions of the planning scheme. The review must evaluate the planning scheme to ensure that it:

- is consistent in form and content with the directions or guidelines issued by the Minister under section 7 of the Act
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies, and
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Other legislation (the *Public Health and Wellbeing Act 2008*) requires that the planning scheme is also consistent with Council's adopted municipal public health and wellbeing plan.

Section 12B of the Act requires that the review must occur no later than one year after Council's Corporate Plan is approved under section 125 of the *Local Government Act 1989*, or within such longer period as is determined by the Minister for Planning (the 'Minister'). Once complete, Council is required to report the findings and recommendations of the review to the Minister without delay.

Council adopted the Mornington Peninsula Shire Council and Wellbeing Plan 2021 - 2025 on 28 October 2021. Owing to the extensive structural and formatting review of the Victoria Planning Provisions and the significant changes proposed to be made by Planning Scheme Amendment C219morn, the Minister granted Council an extension to complete its planning scheme review by 30 April 2024.

The review period is therefore defined as 19 November 2018 (date of the last review) until 31 December 2023. Once adopted by Council, this report will constitute the formal “Planning Scheme Review” as required by the Act.

2.3. Methodology

This review was undertaken by the Strategic Planning team at the Mornington Peninsula Shire (the ‘Shire’) and involved the following:

- Consultation with planning and other internal Shire officers to identify strengths and weaknesses of the Scheme and any key issues.
- A desktop analysis of:
 - Previous 2018 Planning Scheme Review report (2018 Review)
 - Planning Permit Activity Reporting System (PPARS) data
 - New strategic plans and policies (regional and local)
 - Community satisfaction rating for planning
- An audit of strategic work undertaken by Council in the inter-review period, including relevant reports, strategic documents and amendments.
- A summary of key findings arising from recent VCAT decisions and Independent Planning Panel reports.
- Preparation of an Implementation Plan that prioritises outstanding recommendations from the 2018 Review and those made as part of this current review; including suggested timeframes for the implementation of each action.

The Review has been prepared generally in accordance with the Department of Environment, Land, Water and Planning (DELWP) *Planning Practice Note 32: Review of Planning Schemes* (June 2015) and the Municipal Association of Victoria (MAV). The report structure is based on the Planning Scheme Review report template provided by the Department of Transport and Planning and uses elements of the and *Continuous Improvement Kit* (2006) published by the former Department of Sustainability and Environment (DSE).

It is noted that the Review involves a relatively high-level assessment of the current scheme provisions and opportunities for further general improvement. It does not assess the merits of any privately initiated, site-specific proposals for change to the planning scheme; such proposals are to be the subject of separate, rigorous assessment. It also does not include a detailed assessment of each local provision and schedule in the planning scheme because:

- All local provisions were reviewed as part of the translation into the Planning Policy Framework in 2021 and implemented by Amendment C279morn.

- All the residential zones and associated Schedules to the Design and Development Overlay have been extensively reviewed as part of Amendment C219morn.
- Significant strategic work that is currently underway or planned will result in the continual review and improvement to provisions throughout the Scheme.

3. Background

The Mornington Peninsula is a special place, with a unique relationship to the rest of Melbourne and is not a designated urban growth area. Substantial areas of the Shire, such as the Western Port coast and Mornington Peninsula National Park, are of high conservation value and support sites of national and international significance. These unique qualities require the planning scheme to respond and provide guidance to a range of complex issues.

The planning scheme commenced on 6 May 1999 – two years after the amalgamation of the Flinders, Hastings and Mornington Shires. The range and detail of the scheme's provisions, reflect a notable history of planning initiatives at local, regional and State level over the past half century that were devised to respond to the diverse issues and values of the Peninsula.

As a result of the former Local Planning Policy Framework (LPPF) being translated into the Victoria Planning Provisions' (VPP) new integrated Planning Policy Framework (PPF), the local content of the planning scheme now comprises:

- Municipal Planning Strategy (MPS) which contains 1 clause over 74 pages.
- Planning Policy Framework (PPF) contains 9 separate clauses spanning 205 pages, including:
 - 16 different zones with 23 individual schedules; and
 - 16 different overlays with 84 schedules.

3.1. What's driving change

The following is a brief summary of some of the main drivers of change on the Peninsula, many of which are already recognised in the planning scheme. Key drivers of change relate to:

- Population and housing growth
- Economic development
- Climate change and environmental risks
- Biodiversity conservation
- Natural resource management
- Environmental and landscape values
- Built environment and heritage
- Infrastructure
- Transport

3.1.1. Population and housing growth

The unique attributes of the Peninsula make it an attractive place to live, work, and visit. These attributes include scenic landscapes, pristine beaches and coastlines,

highly productive agricultural land, characterful coastal towns and villages, coupled with its close proximity to central Melbourne.

The dwindling stock of greenfield land on the Peninsula has created ever-mounting pressure for infill development. In response, Council has devoted significant resources to better understand, define and protect the diverse character of different towns and places with Design and Development Overlay schedules.

In terms of population growth, Council's adopted Housing and Settlement Strategy: Refresh 2020-2036 (discussed later in this report) included the Victoria in the Future (VIF) populations projections estimating that between 2016 and 2036, the population of the Mornington Peninsula would increase by 38,830 people from 161,530 to 200,360. However, the latest VIF population and dwelling forecasts (which were released in December 2023) have revised the need for an additional 17,750 dwellings between 2021 and 2036 down to 10,950 dwellings. This substantial downward revision is likely to reflect lower growth forecasts for the entire state of Victoria, and changes in the distribution of future growth within the state.²

State planning policy (Clause 11.02-1S) requires all municipalities to ensure sufficient housing supply over at least a 15-year period. The Shire is currently finalising further strategic work around the implementation of the Housing Settlement Strategy and population growth projections via Amendment C219morn. This work will consider the substantial reduction in population forecasts and the implications for housing on the Peninsula.

It is noted that about 28,000 (or 31.3 per cent) of the municipality's total 89,116 dwellings are holiday homes or vacant.³ The number of holiday and vacant homes has implications for housing supply and affordability, however, the planning scheme is not able to regulate the use of dwellings for short stay accommodation or vacancy rates.

A key issue facing the Shire is the lack of affordable and social housing and growing rates of homelessness. Of the 11,175 households in private rentals within the Shire, 3,938 (35.3%) are in rental stress (which is higher than the Greater Melbourne average) and a total of 2,603 households (representing 4% of all households) are in need of affordable housing⁴. To address this issue, the Shire declared a Housing Crisis in 2021 and has prepared a number of policies and strategies to advocate for and facilitate an increase in the supply of social and affordable housing as is addressed later in this report.

² Draft Mornington Peninsula Housing Capacity Analysis 2024 (SGS Economics & Planning)

³ Mornington Peninsula Shire Housing and Settlement Strategy: Refresh 2020-2036.

⁴ <https://housing.id.com.au/mornington-peninsula>

3.1.2. Economic development

The Mornington Peninsula has a strong and vibrant economy generating \$9.5 billion in gross regional product annually. The economy is diverse across a range of industry sectors, supporting 62,311 jobs. The region's economy is underpinned by employment in the services sector, including health care and social services, education, retail, hospitality, construction, government, and professional services.

Agricultural activities occupy the majority of the Peninsula's rural areas. Activities such as horticulture, viticulture, market gardening and poultry farming are significant rural industries on the Peninsula. In particular, vineyards and wineries continue to contribute significantly to the marketing of the region as a recreation destination with a range of all-season attractions.

The recreational role of the Peninsula requires the provision of supporting facilities, which add value to the region's natural resources and assets, enriches the experience for visitors and provide benefits to the local economy.

The Peninsula has a substantial supply of port-related industrial land but there is a shortage of lots larger than 2,000 square metres for general industrial development. It is necessary to prevent the subdivision of remaining industrial land to maintain a supply of larger development sites.

The Peninsula is also home to the Port of Hastings which is Victoria's largest bulk liquid cargo port and makes an important contribution to the State's economy. The Port has been identified by the State Government as a preferred location for future industrial development of both State and local significance. However, as discussed later in this report, the future role and development of the Port remains uncertain owing to changes in State Government policy regarding the preferred location of Melbourne's second container port (which is no longer the Port of Hastings) and the pending release of potentially large swathes of land that are surplus to the Port's needs. Release of surplus land for alternative uses and development could significantly transform the economic potential of the Westernport region.

The future role and development of the Port, however, must be balanced against the need to preserve the significant environmental and recreational values of the Westernport region, including the Ramsar-listed wetlands.

3.1.3. Climate change and other environmental risks

The Peninsula faces a number of environmental issues, such as the loss and degradation of native vegetation, pest plant and animal infestation, lowered habitat capacity, pollution of streams and aquifers, erosion and mass wastage of slopes, and damage to scientific and historic sites.

Recognition and planning for environmental risks such as bushfire, flooding and coastal inundation also remain a major focus for the Shire.

Increasing temperatures, decreased rainfall, coastal inundation, extreme weather events and biodiversity loss are all significant risks for the Shire because of the expected impacts of climate change.

The Shire's 190-kilometre coastline adds to the challenges it will face in managing climate risk. The coastal impacts of climate change (erosion, inundation) are already evident in the Shire, and projected impacts now form a relevant and consequential consideration when prioritising significant strategic work to ensure the planning scheme is responding appropriately.

Such conditions place pressure on the sustainability of the Shire's agricultural land and the protection of its landscapes, coastlines, seascapes and rural areas for the purposes of recreation, nature conservation and tourism. Around 70% of land on the Mornington Peninsula is zoned Green Wedge.

Similarly, bushfire risk reduction is an important priority to ensure the safety of the residents and visitors to the Mornington Peninsula. Achieving this whilst minimising vegetation loss (particularly remnant native vegetation) and associated biodiversity impacts remains a key challenge.

3.1.4. Biodiversity conservation

The Peninsula is a uniquely biodiverse region - home to a significant array of flora and fauna, including species and areas of national and international conservation significance. Protection of this biodiversity remains an ongoing challenge and priority for the Shire with key threats being land use change and development, invasive and overabundant species, human disturbance, pollution and climate change.

3.1.5. Natural resource management

A mild climate, high and well-distributed rainfall, good soils and ready access to markets combine to make the Peninsula a major farming area. Agriculture will continue to play an integral role on the Peninsula, forming part of the economic base, providing for sustainable land management and adding value to recreational experiences. However, the local agricultural industry relies on maintaining areas with a low population density and providing a separation between incompatible uses, such as townships and port development areas.

The existing pattern of subdivision in the Peninsula's rural areas presents a challenge to continued agricultural land use. Further fragmentation of rural land and

increasing population in rural areas would undermine viable farming practices and destabilise the land market. This in turn would reduce confidence of investment in land management and further fuel pressures for the conversion of rural land to hobby farms and rural residential subdivisions.

While there are opportunities for value-adding industries to operate in conjunction with agricultural activities, the use of rural land for industry should only occur where the industry is directly related to, or supports, agricultural production in the area.

Broiler farms are also a concerning issue on the Peninsula. Although it is an important economic activity, the scale of the buildings, the practices associated with farm operation such as night-time collections, and variations in odour emissions conflict with landscape objectives and the amenity expectations of rural residents.

Finally, some of the Peninsula's scenic and environmentally sensitive landscapes are rich in natural resources that are highly sought after by extractive industries. Therefore, there is ongoing pressure to establish and/or expand existing extractive industry facilities.

3.1.6. Built environment and heritage

Mornington Peninsula's sense of place is reinforced by the distinctive built-form character of its townships and residential areas. This distinctiveness arises from:

- The relationship between the settlement and its environmental setting.
- The balance between natural features and built form that in many areas has produced a definite local character where the open space, landform and landscape provide a dominant setting for the built form.
- The influence of heritage sites, gardens and precincts such as the Peninsula's rich history of buildings, places and sites of heritage significance contained in many of its townships that include the Ranelagh Estate in Mount Eliza and the Sorrento Historic Precinct.
- The cultural significance of heritage places, heritage buildings, structures and gardens such as places, sites and objects of Aboriginal cultural significance.
- Well-established subdivision and development patterns where the ability to retain a bushland, woodland or coastal setting is often dependent on maintaining larger lot sizes with minimal site coverage.

The character of townships and residential and heritage values are continually under threat from new development, creating an ongoing need to ensure that future built form respects preferred character and sensitive landscapes, and that places of heritage significance are conserved and enhanced.

3.1.7. Infrastructure

The Mornington Peninsula faces several challenges in relation to sewerage and

drainage infrastructure. Although most areas now have access to reticulated sewerage, there are still a significant number of properties that are not connected which present an ongoing risk of pollution to inland surface waters, beaches and groundwater, particularly on the Nepean Peninsula.

In addition, the drainage systems in many parts of the Peninsula have local capacity limits, while major regional drainage systems depend on natural watercourses and streamlines, with subsequent pressure on their environmental values.

3.1.8. Transport

The Mornington Peninsula is connected to Melbourne by a network of major roads and freeways, such as Nepean Highway, Moorooduc Highway, Peninsula Link, Mornington Peninsula Freeway, Western Port Highway, Coolart Road and Frankston-Flinders Road. In addition to these north-south linkages, there is also a network of cross-Peninsula roads, such as Bungower Road and Mornington-Tyabb Road. These roads combine to form the primary movement system on the Peninsula, which will continue to rely heavily on private transport into the foreseeable future.

A secondary network of roads serves the Peninsula hinterland and acts as an important recreation resource. These links, such as Bittern-Dromana Road, Red Hill-Shoreham Road, Mornington-Flinders Road, Boneo Road, Browns Road and Old Melbourne Road, are used by cross-Peninsula traffic, local people accessing their properties, and recreational travellers engaged in sightseeing and other leisure pursuits.

Given the above, road network capacity planning and improvement remains a critical and ongoing issue for the Shire to ensure the Shire's 40 townships are accessible and connected.

A network of pedestrian and bicycle paths also provide recreational opportunities and support movement in local areas. As with roads, capacity planning and improvement of these networks is an important ongoing issue to ensure the Peninsula's residents have access to viable and attractive active modes of transport which also support local tourism opportunities. With rate capping and an aging asset base, a key challenge is funding road improvements and new footpaths and cycle paths.

In terms of public transport, the Peninsula's passenger and commercial rail system is serviced by a non-electrified line between Frankston and Stony Point. It carries a passenger shuttle service along with freight traffic associated with BlueScope in Hastings. Council has advocated for the electrification of these rail services to improve public transport access to the Peninsula.

In the absence of electrified commuter rail, buses remain the principal mode of public transport serving Peninsula residents. These operate primarily on north-south routes and connect with Frankston. The dispersed pattern of development and seasonal

occupancy rates of coastal townships, coupled with a high volume of holiday homes limit the establishment of a more extensive bus service. Nevertheless, Council continues to advocate for better bus services to improve connectivity to and within the Peninsula.

4. Previous Review

4.1. Planning Scheme Review 2018

The most recent planning scheme review was completed in 2018 and is outlined in the adopted *Mornington Peninsula Planning Scheme Review No. 4 Report (November 2018)* (the '2018 Review').

The 2018 review recognised that the planning scheme is often characterised as one of the most complex in Victoria. Overall, the review concluded that the planning scheme was:

- Not entirely responsive to key existing and emerging issues
- Somewhat 'out-of-sync' with State Planning Policy
- Not yet fully aligned with the State-sanctioned Localised Planning Statement, or Council's current Corporate or Health and Wellbeing Plans
- Overly content-heavy, replete with redundant and out-of-date material and
- Cumbersome and frustrating to administer, both from the perspective of decision makers at Council, as well as applicants, referral authorities and review bodies.

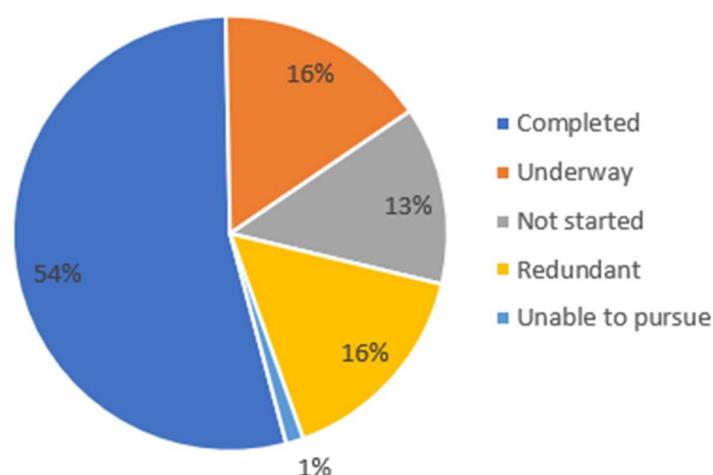
The review primarily identified the need for further strategic work concerning housing and settlement, neighbourhood character, green wedge management, Port-related planning, environmental risk, climate change adaptation, and ongoing place-making and activity centre planning.

A total of 236 recommendations were made to improve the effectiveness of the scheme.

4.2. Progress since the 2018 Review

An audit has been conducted to ascertain the status of each of the 2018 Review recommendations, the findings of which are summarised in Appendix 1. This analysis, as shown in Figure 1, shows that 70% of the recommendations from the 2018 Review have been completed or are substantially underway.

Figure 1: Audit of 2018 Planning Scheme Review Actions



The net result is a wealth of adopted strategic directions which have significant implications for the policies and controls in the planning scheme.

Key achievements since the 2018 Review include preparation and adoption of:

- Mornington Peninsula Green Wedge Management Plan (Mornington Peninsula Shire, 2018)
- Western Port Coastal Villages and Surrounding Settlements Strategy (Ethos Urban, 2019)
- Mornington Peninsula Neighbourhood Character Study & Guidelines (Ethos Urban, 2019)
- Planning Policy Framework translation (2021)
- Extent of Tootgarook Wetland, Mornington Peninsula, Victoria (Biosis, 2019)
- Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036 (Mornington Peninsula Shire, 2020)
- Balcombe Estuary and Associated Reserves Ecological and Planning Study (Biosis, 2022)
- Biodiversity Conservation Plan (Ecology Australia, 2019)
- Mornington Peninsula Climate Emergency Plan – Ensuring Our Future: Our Climate Emergency Response (2020)
- Heritage Review Area 2 (places in Flinders, Merricks Beach, Mornington, Mount Eliza, Mount Martha, Portsea, Shoreham, Somers and Sorrento)
- Heritage Review Area 3 (Rosebud, Somers and Somerville)
- Baxter Township Structure Plan (Plan2Place, 2019)
- Balnarring Township Structure Plan (Plan2Place, 2019)
- Somerville Structure Plan (Plan2Place, 2019)
- Crib Point Township Plan Refresh (Mornington Peninsula Shire, 2021)
- Rye Township Plan (REALM Studios, 2020)
- Rye Urban Design Guidelines (REALM Studios, 2020)
- Parking Precinct Plans for Mornington, Hastings and Rosebud Major Activity Centres (Stantec, 2019)

- Mornington Peninsula Flood and Stormwater Strategy (Mornington Peninsula Shire, 2022)
- Industrial Land Use & Infrastructure Assessment and Rezoning Strategy (Hansen, 2020)

As outlined in Sections 4.3 and 4.4 of this report, much of the above strategic work has already been implemented in the planning scheme through various amendments or is soon to be implemented via amendments currently underway.

The 2018 Review also recommended a series of technical updates relating to the former Municipal Strategic Statement (MSS), such as reviewing demographic statistics, updating the overall Strategic Framework Plan, improving alignment with State policies, and reviewing the suite of reference documents. These items were completed through the translation of the scheme's local policy framework into the new integrated PPF.

Some items remain outstanding for various reasons including available funding and resourcing officer resourcing, project funding and changes in policy directions. The outstanding recommendations from the 2018 Review have been integrated into the 2023 implementation plan at Appendix 3.

Outstanding items include:

- **Green Wedge Management Plan (GWMP):** implement two new local policies and undertake a landscape character assessment of the Green Wedge to inform new or revised policy or provisions (such as schedules to the Significant Landscape Overlay) to better manage the impact of built form on the visual landscape amenity.
- **Biodiversity Conservation Plan (BCP):** updating local policy as required and undertaking a review of the Environmental Significance Overlay (ESO), Vegetation Protection Overlay (VPO) and Significant Landscape Overlay (SLO) schedules to identify if changes are needed to better protect vegetation, habitat and biodiversity on the Peninsula.
- **Landslip susceptibility:** a review of the Shire's landslip susceptibility data and modelling is required to inform necessary changes to the Environmental Management Overlay (EMO).
- **Flood mapping:** following completion of revised flood mapping in partnership with Melbourne Water, investigate the application of the Special Building Overlay (SBO) to ensure overland flooding risk is appropriately captured and managed by the planning scheme.
- **Shire-wide Development Contributions Plan (DCP):** investigate the preparation of a staged, Shire-wide Development Contributions Plan and associated amendment to implement the DCP.
- **Integrated Transport Strategy (ITS):** upon completion and adoption of the Integrated Transport Strategy, a planning scheme amendment may be required to implement the key strategic directives.

- **Early European heritage:** complete Stages 4 and 5 of the Shire's Municipal Heritage Review which relate to the Westernport Hinterland Region and other places remaining on the Shire's heritage watchlist and apply the Heritage Overlay (HO) to places identified as having local heritage significance.
- **Advertising Signs:** investigate whether changes are required to existing policy and provisions to provide better guidance around Major Promotion Signs on the Peninsula and associated light pollution, landscape and character impacts.
- **Affordable housing policy:** prepare a local policy to include in the planning scheme to help increase the supply of affordable housing on the Peninsula.
- **Activity Centres Strategy & Industrial Areas Strategy:** following Council adoption of the Activity Centres Strategy (Essential Economics, 2018) and Industrial Areas Strategy (Essential Economics, 2018), and amendment is required to implement the key strategic directions of these strategies – including a revised activity centre hierarchy – within local planning policy.
- **Environmental contamination:** apply the Environmental Audit Overlay (EAO) to potentially contaminated land on the Peninsula following an audit and review of all known potentially contaminated sites.
- **Briars Master Plan:** consideration of the need to rezone land within The Briars to implement Council's adopted The Briars Master Plan: 2019-2029

Finally, the audit of recommendations from the 2018 Review found that some actions became redundant or were unable to be pursued due to external factors beyond Council's control, such as the need for further direction from State Government. Examples include:

- **Port of Hastings planning:** apart from progressing site-specific amendments on surplus land, any additional strategic planning around the Port of Hastings has been held in abeyance pending the release of the Port Development Strategy expected in mid-2024. Nevertheless, Council continues to advocate for certainty around the future role and development of the Port, as well as the release and planning of surplus land.
- **Marine Precincts Strategy:** strategic work completed for Council's adopted Industrial Land Assessment and Rezoning Strategy (ILARS) determined broader industrial land uses as appropriate rather than a specific industry.
- **Tyabb Airfield:** proposed Planning Scheme Amendment C233morn sought to introduce planning policy and controls to recognise the activities of the airfield and assist with managing future land use conflicts. At its meeting of 30 August 2021, Council resolved to withdraw the authorisation request to prepare the amendment.

4.3. Planning scheme amendments completed since the 2018 Review

At the time of finalising this report, a total of 67 individual amendments have been proposed to the planning scheme since the 2018 Review. Of the local "C"

amendments, 42 have been finalised (gazetted), 12 are underway and 15 did not progress (i.e. withdrawn, abandoned or refused by the Minister).

A list of all amendment completed in the review period is at Appendix 2. Significant amendments over this timeframe include:

- **Amendment C242morn:** Extended the expiry date of the existing interim Schedule 28 to Clause 43.02 Design and Development Overlay (Ocean Beach Road Commercial Precinct) to 31 July 2023. **Amendment C299morn** subsequently extended the expiry date further to 31 July 2024.
- **Amendment C214morn:** Implemented the findings of the Mornington Peninsula Shire Heritage Review, Area 2 Volume 2 and additional separately prepared citations by introducing permanent Heritage Overlays to 49 new individual heritage places and 4 new group heritage places in Arthurs Seat, Capel Sound, Dromana, Fingal, Hastings, Main Ridge, McCrae, Red Hill, Rosebud, Rye, and Somerville.
- **Amendment C262morn Part 1 and Part 2:** Implemented the Mornington Peninsula Shire Heritage Review, Stage 3, by applying the HO to places of local heritage significance and incorporating relevant documents.
- **Amendment C267morn:** Corrected various ordinance and mapping anomalies, removed redundant provisions (including Development Plan Overlay schedules) and applied a permanent Heritage Overlay to 39 Graydens Road, Hastings and 112 Stuart Road, Tyabb.
- **Amendment C281morn:** Implemented Council's adopted Parking Precinct Plans for Mornington, Rosebud and Hastings by applying the Parking Overlay to commercially zoned land in each Major Activity Centre.
- **Amendment C282morn:** Implemented the recommendations from the Crib Point Township Plan and Western Port Coastal Villages and Surrounding Settlements Strategy by amending DDO21 and applying it to C1Z land in Disney Street, Crib Point.
- **Amendment C190morn:** Implemented the Hastings Town Centre Structure Plan, October 2017 by applying built form controls to the area.
- **Amendment C206morn:** Implemented the Rosebud Activity Centre Structure Plan, by introducing new built form controls.
- **Amendment C224morn:** Implemented the Dromana Township Project Report by applying a Design and Development Overlay to the commercial area of the Dromana Township.
- **Amendment C227morn:** Implemented the recommendations of the Tootgarook Wetland Management Plan by amending existing ESOs, introducing a new schedule to the ESO to the current extent of the wetland, and rezoning public land parcels to more suitable zones at this site.
- **Amendment C269morn:** Implemented the Baxter and Somerville Structure Plans by introducing DDO25, 30 and 31 to the commercial areas of Baxter and Somerville, rezones part of 18 Thomas Street, Baxter, and other associated changes.

- **Amendment C232morn:** introduced a Local Planning Policy to provide policy guidance for Environmentally Sustainable Development (ESD).
- **Amendment C270morn:** rezones specific sites outside the Urban Growth Boundary (UGB) from the Special Use Zone Schedule 2 (SUZ2) to either Green Wedge Zone Schedule 3 (GWZ3), Public Conservation and Resource Zone (PCRZ) or Public Park and Recreation Zone (PPRZ).

4.4. Planning scheme amendments currently underway

Significant amendments currently underway include:

- **Amendment C219morn** seeks to implement Council's adopted Housing and Settlement Strategy: Refresh 2020-2036 (2020) and Neighbourhood Character Study & Guidelines (Ethos Urban, 2019). Following extensive community consultation and consideration by a Planning Panel in February 2023, the Shire is currently undertaking further strategic before the amendment is presented to Council for adoption in 2024, as recommended by the Panel. It is noted that finalisation of this amendment will result in the completion of a significant number of actions identified in the 2018 Review aimed at managing housing growth and neighbourhood character.
- **Amendment C241morn** seeks to implement Council's adopted Balcombe Estuary and Associated Reserves: Ecological and Planning Study (Biosis, 2022) by introducing and applying new Environmental Significance Overlay – Schedule 32 (ESO32) to the area to better protect the ecological values of the estuary whilst supporting the ongoing use of existing sporting, recreation and community uses within the reserves.
- **Amendment C271morn** seeks to implement the strategic directives of the Council's adopted Western Port Coastal Villages and Surrounding Strategy (Ethos Urban, 2019). The amendment was supported by an independent Planning Panel and is currently awaiting Ministerial approval.
- **Amendment C286morn** seeks to apply the Design and Development Overlay (DDO28) to the Ocean Beach Road Commercial Precinct in Sorrento on a permanent basis. Following public exhibition, the Shire is currently undertaking further strategic work in response to submissions before determining next steps in the amendment process.
- **Amendment C246morn** seeks to introduce a new Particular Provision to facilitate zero carbon development through strengthened ESD requirements. The amendment has been prepared along with 24 other Victorian councils from the Council Alliance for a Sustainable Built Environment (CASBE) and is currently awaiting Ministerial authorisation.
- **Amendment C247morn** seeks to rezone a precinct of land at Woodbyne Crescent and Albany Way, Mornington from LDRZ to the Neighbourhood Residential Zone (NRZ) to facilitate additional housing supply and diversity. This amendment is currently awaiting Ministerial authorisation.
- **Amendment C249morn** seeks to rezone a precinct of land at Boundary and Collins Roads in Dromana from LDRZ to the NRZ to facilitate additional housing

supply and diversity. This amendment is currently awaiting Ministerial authorisation.

- **Amendment C243morn** seeks to rezone land at 83 and 79 Bungower Road, Somerville from a Special Use Zone (SUZ1) to the Industrial 3 Zone (IN3Z), to facilitate the development of the Mornington Peninsula (Somerville) Industry, Technology and Business Park Precinct in accordance with the Industrial Land and Infrastructure Assessment and Rezoning Strategy (Mornington Peninsula Shire, 2020).
- **Amendment C256morn** seeks to apply the Development Plan Overlay (DPO) to land at 4 Bundara Crescent, Mount Eliza to facilitate the two lot subdivision of the site. This amendment has been authorised by the Minister and is undergoing exhibition.
- **Amendment C293morn** seeks to rezone land near the Somerville Railway Station from the Transport Zone 1 – State Transport Infrastructure (TRZ1) to the Commercial 1 Zone (C1Z) and apply Schedule 30 to the Design and Development Overlay (DDO30) to the land. This amendment is currently awaiting Ministerial approval.
- **Amendment C295morn** seeks to replace the existing Creswell Street East Crib Point Development Contributions Plan, April 2018 with a revised Development Contributions Plan (DCP) following an independent peer review of the existing Plan. This amendment is currently awaiting Ministerial authorisation.
- **Amendment C300morn** seeks to extend the expiry of the existing Creswell Street East Crib Point Development Contributions Plan, April 2018 incorporated document until Amendment C295morn is completed. Lodged at the same time as Amendment C295morn, this amendment is awaiting Ministerial approval.

5. Planning Permit Activity

This section contains an analysis of planning permit activity that has taken place during the last five years, since the 2018 Review. It draws on publicly available Planning Permit Activity and Reporting System (PPARS) data and internally provided Council data on planning permit activity.

5.1. Number and nature of permits assessed

Table 1: PPARs report for permits issued between 01 July 2018 and 30 June 2023

shows the number of permit applications processed between the 2018/19 financial year and the 2022/23 financial year as reported by PPARS data. The number of applications received peaked in the 2021/2022 financial year, with 2,905 received. This is significantly more (37% increase) than the low of 2,113 applications that were received in 2022/2023. It is likely that the higher number of applications received from 2020 through 2022 can be at least in part attributed to the economic and social effects of the COVID-19 pandemic, the significant increase in the value of land across the Peninsula, and the subsequent increased incentive to develop land.

Table 1: PPARs report for permits issued between 01 July 2018 and 30 June 2023

Permits (including refusals)	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Received	2,575	2,301	2,618	2,905	2,113
Processed	2,619	2,384	2,466	2,673	2,403
Issued	1,868	2,025	2,029	2,103	1,844

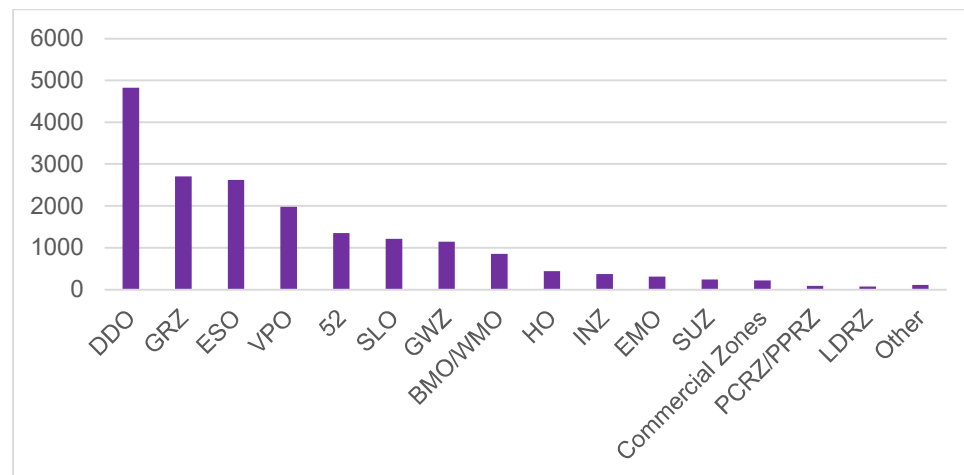
Data source: PPARS, planning.vic.gov.au

Council's internal planning permit data for decisions on applications from 2018 through March 2023 shows that the bulk of permits pertain to single dwellings, with the two most common applications descriptions being for 'dwelling' (1807 applications, or 22%) or 'dwelling additions' (1497 applications, or 18%). When other minor application types that are typically associated with a single dwelling are included in this total (garages, carports, decks, etc.), the approximate number of all applications that are associated with a single dwelling is estimated to be 52%.

Council's internal planning permit data has also captured each type of planning permit trigger associated with every application over this period, which is displayed in Figure 2. For the 8,368 decisions on applications captured in this set of data, there were 18,520 individual triggers, resulting in an average of almost three permit triggers per application. The most common type of permit trigger was the Design and

Development Overlay (triggered 4825 times), followed by the General Residential Zone (2701), and the Environmental Significance Overlay (2621).

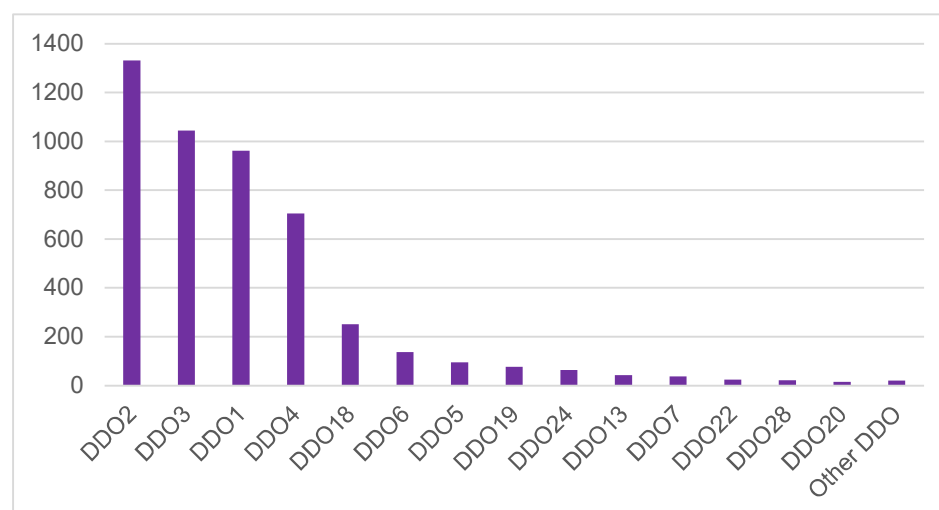
Figure 2: Total planning permit triggers by type, 2018- March 2023



Data source: internal Shire planning permit data

This set of Council data has also captured the specific schedules that have triggered planning permit applications. Figure 3 shows further detail for the three most common types of permit trigger (DDO, GRZ, and ESO). For the Design and Development Overlay, schedules 1-4 account for 84% of all DDO triggers. This is a significant amount, but it is reflective of the widespread application of these schedules across the Peninsula's residential areas.

Figure 3 DDO schedule trigger type, 2018- March 2023

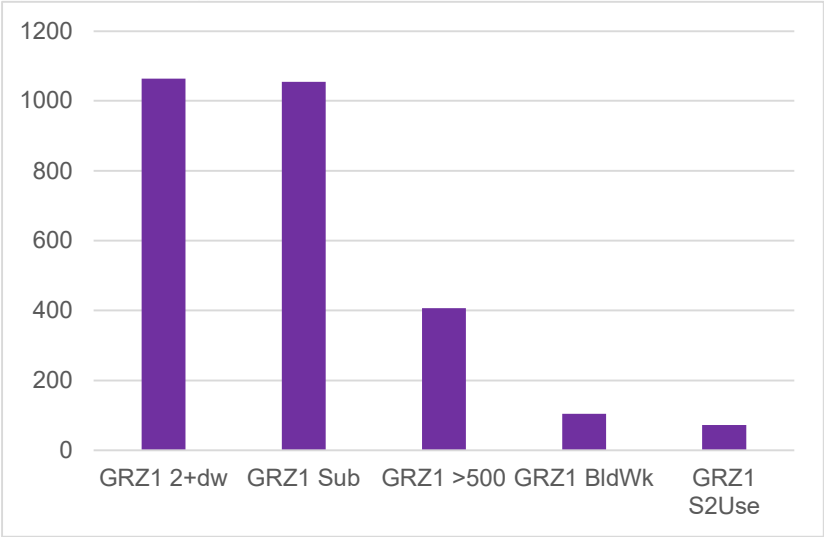


Data source: internal Shire planning permit data

Data for the General Residential Zone triggers in Figure 4 shows that the most common trigger has been the development of two or more dwellings (1064), closely followed by subdivision (1054). The relatively low number of triggers for land size

being under 500sqm can be explained by the generally large lot sizes across the Peninsula.

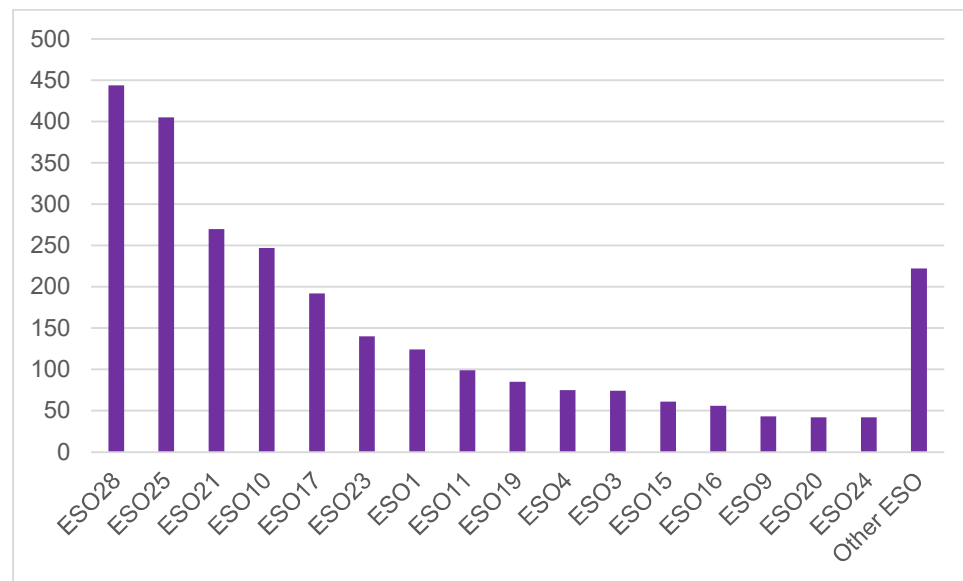
Figure 4: GRZ trigger type, 2018- March 2023



Data source: internal Shire planning permit data

Data for ESO permit triggers is displayed in Figure 5. The results reflect the widespread application of both ESO28 across large areas of bushland, and ESO25 which covers the coastal areas along Port Phillip Bay, with these two schedules being the most common triggers. Further analysis of ESO permit trigger data shows that of the 1,826 applications that triggered under the ESO, 579 applications (32%) had more than one ESO trigger. This highlights the potential to simplify the overlapping mapping of ESO schedules and reduce the scheme’s complexity in this area.

Figure 5: ESO schedule trigger type, 2018- March 2023



Data source: internal Shire planning permit data

5.2. Service performance

Time for a decision on an application has trended upwards since the 2018 Review. While the 2020 financial year had a low median processing day count of 84, this increased to 121 for the 2022-23 financial year. Similarly, the total number of decisions made within the statutory timeframe has dropped 19%, to 38.7% for this period. This may be partially explained by the high number of applications received throughout the latter part of the COVID-19 pandemic, and subsequent lag in the system in processing such applications. It is expected that time-for-decision will return to more regular levels over the coming financial year.

Comparing Mornington Peninsula Shire's service performance with other Outer Regional Councils, it can be shown that the trend of longer processing times over recent years is not isolated to the Shire. The median processing days for applications received by Outer Regional Councils⁵ has increased by 29 since 2020, while the percentage of decisions made within statutory timeframes has fallen 11%. Again, this broader trend is likely to be related to difficulties faced by the planning system throughout the COVID-19 pandemic.

Table 2: Processing times for applications

Financial Year	Median processing days (all applications)	Within statutory timeframe (%)
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⁵ Brimbank, Frankston, Greater Dandenong, Knox, Maroondah, Mornington Peninsula, Nillumbuk, and Yarra Ranges

	Mornington Peninsula Shire	Outer Regional Councils	Mornington Peninsula Shire	Outer Regional Councils
2018-19	90	86	59.7	63.4
2019-20	94	74	54.6	67.3
2020-21	84	69	57.6	67.1
2021-22	105	83	41.8	58.9
2022-23	121	98	38.7	56.6

Data source: PPARS, planning.vic.gov.au

5.3. Decision making

The data in Table 3 demonstrates that a significant majority of permits issued are done so under delegation (98.59%), with only 1.23% of permits determined by Council. This is well below the 3% target and indicates a well-functioning statutory planning unit with appropriate delegation. While 12.84% of planning permit application outcomes did not result in the issuance of a planning permit, it should be noted that this figure includes lapsed and withdrawn applications, as well as refused applications.

Table 3: Decision outcome data from 2018 – March 2023

	No permit issued	Permit issued by delegate	Permit issued by the RA	Total permits issued
Permit	1100	7362	105	7467
% of total applications	12.84	85.93	1.23	87.16

Data source: internal Shire planning permit data

5.4. Geographic spread of applications

The geographic spread of planning permits across the Peninsula generally reflects the conditions of each township (population size, application of planning overlays, zoning, etc.). Unsurprisingly, the townships that had the largest number of decisions on planning permit applications (2018 – March 2023) are the most populated. For example, of the five townships that had the most decisions issued (detailed in Table 4), four of these are also in the top five townships for population size. The only exception is Rye, with the fifth most decisions but is the seventh most populated township. Notably, all townships listed in Table 3 are identified as either a Major Activity Centre (Mornington, Rosebud) or Large Township Centre (Mount Eliza, Mount Martha, Rye), indicating that development is generally occurring in accordance with the Strategic Framework Plan (Clause 02.04).

Table 4: Top five townships by quantity of decisions on planning permits, 2018 – March 2023

Township	Number of applications	% of total	Population / permit	Dwellings / permit
Mornington	867	10.12	29.71	13.76
Mount Eliza	754	8.80	24.85	9.12
Rosebud	641	7.48	22.44	13.60
Mount Martha	620	7.24	32.01	13.68
Rye	597	6.97	15.81	14.55

Data source: internal Shire planning permit data. Population and dwelling count data from 2021 Census: <https://www.abs.gov.au/census/find-census-data/search-by-area>

More broadly, the apparent trend of high planning permit numbers in relatively low population areas may seem disproportionate. However, it is reflective of the important objectives relating to the protection of coastal character, landscape and environmental values, and Green Wedge values, and environmental risks (bushfire, coastal hazards) that the Mornington Peninsula Planning Scheme is actively managing in these areas. Future State-level legislative and policy changes, and the Shire's ongoing or planned strategic work and planning scheme amendments are expected to further refine, and where appropriate, simplify and modernise the existing planning policy and controls in these areas. In most cases, this is expected to ensure that the administrative burden of managing land use and development in these highly controlled areas is proportionate to their strategic planning values, as set out in the Municipal Planning Strategy, the Localised Planning Statement, and elsewhere.

6. State Strategic Context

This section considers the changes made to State-level planning policy and State-standard planning provisions since the last review, as well as other changes currently under development by the State Government and pending release.

6.1. VC (Victorian) and GC (group of council) amendments

The VPPs are regularly reviewed and updated by the State Government through Ministerial amendments. That is, amendments that are prepared and approved by the State Government, often without broad community or stakeholder consultation. There are two types of amendments – VC (i.e. State changes to the VPPs) and GC (i.e. changes affecting a discrete number of planning schemes including the Mornington Peninsula).

Since the 2018 Review, there has been a substantial volume of State Government amendments delivered in relatively quick succession and with varying degrees of significance for the Mornington Peninsula Planning Scheme. In total, **78** “VC” amendments and **6** “GC” amendments have been completed since the last review. Whilst many VC amendments were associated with correcting anomalies or generally improving the efficiency of provisions or policy, several VC amendments were associated with the release of the State Government’s Housing Statement for Victoria and other major policy or planning reform initiatives which are discussed later in this report.

The following amendments have made the most significant changes to the Mornington Peninsula Planning Scheme:

- **Amendment VC148:** Fundamentally changed all planning schemes in Victoria by introducing the new Planning Policy Framework – a three-tiered integrated policy structure of State, regional and local policy grouped under themes. As discussed later in this report, this was followed by a separate amendment to translate all local planning policy content in the Mornington Peninsula Planning Scheme into the new PPF via Ministerial Amendment C279morn.
- **Amendment VC169:** Changed Clause 16 (Housing) to clarify and consolidate policy, and Clause 15.01-5S (Neighbourhood character) to ensure preferred neighbourhood character and housing growth objectives correspond. The amendment has helped shape Council’s proposed planning scheme Amendment C219morn, lending weight to the protection of neighbourhood character and the use of Neighbourhood Residential Zones within C219morn.
- **Amendment VC171:** Updated the VPPs to strengthen coastal hazard planning and implement the Marine and Coastal Policy 2020. This amendment has added weight to Council’s proposed Amendment C271morn and the revised coastal hazard policy will inform any future planning scheme amendment resulting from the Shire’s Coastal Strategy – *Our Coasts, Our Future* project currently underway.

- **Amendment VC201:** Significantly updated Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands, and billabongs, with the effect of providing further guidance and protection for waterway planning for all Victorian waterways, and provides policy guidelines for development along river and riparian corridors. This is particularly relevant to the central Peninsula Green Wedge hinterland areas, which contain many creeks. The updated policy complements the existing ESO17 (Streamlines) overlay.
- **Amendment VC215:** The amendment implemented the Melbourne Industrial and Land Use Plan (MICLUP) (Department of Environment, Land, Water and Planning, 2020) in the PPF. The effect of the amendment cements SUZ1 land as state-significant industrial land and provides direction for future industrial use and development across the Peninsula. It also provides weight to the to the future rezoning of surplus SUZ1 land into industrially zoned land.
- **Amendment VC216:** Significantly updated various clauses across the PPF to support Environmentally Sustainable Development (ESD). As this amendment strengthened policy support for ESD, it also provided strategic justification for Council’s Amendment C232morn (local ESD policy), as well as Amendment C246morn, which seeks to introduce particular provisions relating to ESD.
- **Amendment VC236:** The amendment supports renewable hydrogen gas production and distribution and makes the Minister for Planning the responsible authority for large-scale production of hydrogen gas. While the amendment shifts the powers of the responsible authority away from the Shire, it is highly relevant to the future development of the Port of Hastings and SUZ1 land. It is also to the future assessment of the Hydrogen Energy Supply Chain proposal via the Environment Effects Statement process, of which Council will be a stakeholder.
- **Amendment VC242:** This made significant changes to the VPPs and all planning schemes by introducing two new particular provisions to facilitate major residential development and significant economic development. It made the Minister the responsible authority for eligible applications under these new provisions. The Shire’s internal analysis of the particular provisions has shown that the provisions are most likely to be used for residential-aged-care facilities and Green-Wedge developments associated with the recreational values of the Peninsula. The amendment somewhat shifts the administrative burden of assessing significant applications but further highlights the importance of undertaking a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes.
- **Amendment VC243:** Another significant change to Victorian Planning Schemes, this amendment:
 - introduced the Future Homes project (at Clause 53.24) to streamline the delivery and improve the quality of apartment developments with four model designs that can be adapted to suit local conditions
 - removed zoning permit requirements for single dwellings on lots of 300 square metres or more and introduced VicSmart permits for single dwellings on lots less than 300 square metres, and

- codified residential development standards in ResCode.

The Future Homes provision is designed to increase the density and diversity of housing to respond to Victoria's population growth while ensuring apartment quality is exemplary in terms of design, liveability and sustainability. The model designs are not aimed at providing affordable housing options. The designs can only be used in the GRZ on land that is within 800 metres of a railway station or activity centre and is not within a Heritage Overlay or Neighbourhood Character Overlay. Whilst a relatively large portion of the Peninsula's residential land is eligible for the Future Homes development model, it is unclear if the model will be attractive to developers. No planning applications under this clause were received by the Shire throughout the remainder of 2023. It is also understood that the Future Homes models have not been taken up elsewhere in Victoria to date.

The removal of the requirement for planning permission for a single dwelling on a lot over 300 square metres applies to the GRZ and NRZ and is again designed to reduce red tape to increase housing supply. This change means it will be easier to build a single dwelling in many parts of the Shire (noting that development will still need to comply with ResCode requirements via the Building Permit process). However, the removal of this permit trigger does not negate the need for a planning permit for a single dwelling where an overlay applies to the land. Overlays apply extensively across residential areas within the Shire, meaning the impact of this change is not likely to be as significant for the Mornington Peninsula Shire as other parts of Victoria where less controls apply. The same can be said of the introduction of the VicSmart pathway for single dwellings on a lot of less than 300 square metres.

The codification of ResCode standards means that housing development is "deemed-to-comply" with certain ResCode objectives if the development meets the corresponding ResCode standard. This change effectively seeks to clarify a practice that many Tribunal decisions already follow, removing any future debate (and therefore appeals) about such matters in future. Importantly, this change is limited to those standards involving a numerical measure (e.g. setbacks) and does not apply to qualitative standards such as those relating to neighbourhood character. Whilst these changes makes the planning permit process more certain and potentially streamlined, it removes the ability for the Shire to request that developments go beyond minimum standards to meet objectives.

- **Amendment VC253:** This amendment sought to increase the supply of more affordable housing options across Victoria. The amendment introduced a new land-use planning term, Small secondary dwellings (SSDs) into all planning schemes and deleted the former "Dependent Persons Unit" land use term. In many instances, SSDs will not require a planning permit for their use. A permit for their development, however, may still be triggered in certain circumstances, such as through an overlay, or when they are proposed in a rural zone including the Green Wedge Zone.

It is expected that the development of SSDs will prove to be popular across the Mornington Peninsula, with many residential lots being large enough to accommodate a small secondary dwelling. While this amendment potentially increases the housing capacity of the Peninsula, in some circumstances it may allow for the development of SSDs that would have otherwise been deemed inappropriate under existing controls due to potential amenity, infrastructure servicing or vegetation impacts. The inclusion of requirement for a permit to use and develop land for an SSD in the Green Wedge Zone is therefore critical and welcomed.

Apart from the ability to consider offsite impacts of SSDs, introduction of exemptions for SSDs critically limits the ability to consider the impact of environmental hazards such as sea level rise on this new form of housing in areas where no related overlays yet exist (such as around Port Phillip Bay).

Finally, despite Council's previous advocacy, the new provisions for SSDs do not include a requirement prohibiting or limiting the use of SSDs as short-stay accommodation, meaning the true impact of the new provisions on housing supply remains uncertain. This is because SSDs are likely to be an attractive option for the short-stay market on the Peninsula as opposed to longer-term, more permanent housing options.

Recommendation

- **Continue to monitor the integrity of the PPF, application of local policy and the impact of VC amendments on the application of the Mornington Peninsula Planning Scheme.**

6.2. Additional Ministerial amendments

In addition to VC and GC amendments, the Minister for Planning introduced several site-specific controls, structural changes and anomaly corrections via Ministerial amendments exclusive to the Mornington Peninsula Planning Scheme. These included:

- **Amendment C250morn** to introduce a new incorporated document to facilitate the Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings.
- **Amendment C253morn** to rezone several contiguous parcels of land in Baxter between Sages Road and Sumner Road from Public Use Zone to Green Wedge Zone, Schedule 2, and applied the Environmental Audit Overlay. The amendment was made at the request of Melbourne Water, after it was identified that it was no longer required for a public purpose.
- **Amendment C255morn** to remove inconsistencies in local schedules with the VPPs and Ministerial Direction – Form and Content of Planning Schemes as part of the Smart Planning Local Schedules Update.
- **Amendment C287morn** to correct obvious and technical errors that occurred during approval of Amendment C255morn and extend the expiry dates of various interim Heritage Overlays.

- **Amendment C288morn:** Corrected obvious technical errors approved by Amendments C287morn and C255morn.
- **Amendment C284morn** to rezone land at 5 Long Island Drive, Hastings from Public Use Zone 7 to Port Zone. The amendment was made at the request of the Port of Hastings Corporation, to provide for the development of the land for dry and break-bulk trade activities.
- **Amendment C291morn** corrected more administrative errors made by approval of previous amendments.
- **Amendment C297morn** to introduce a new incorporated document to facilitate the Hastings Energy Generation Facility.
- **Amendment C279morn:** Completed in September 2021, this amendment delivered one of the most substantial restructures of the Mornington Peninsula Planning Scheme since the introduction of the VPPs in 1999. Consistent with VC148, Amendment C279morn translated the former Local Planning Policy Framework of the Mornington Peninsula Planning Scheme into the new PPF format. The amendment involved meticulous analysis and review to realign the expression of policy into succinct State, regional and local content. The translation occurred within the strict parameters set by the State Government, removing any content that:
 - was outside the scope of planning or a planning scheme
 - repeated or duplicated what is already in State or regional policy
 - was inconsistent with state policy or controls
 - was outdated or unclear.

Policy content that was allowed to be kept was any content that:

- remained relevant, necessary and proportional to good decision-making
- was clear and unambiguous in its application and intent
- was consistent with the *Planning and Environment Act 1987*, the VPP and relevant Ministerial directions.

Some policy content was translated into a planning control (such as a schedule to a zone, overlay or particular provision) to provide greater clarity and certainty of the planning scheme's intended outcomes. Other policy content was updated or revised such as updating demographic statistics and revising maps to ensure they provide more accurate and meaningful details.

Importantly, the PPF translation via Amendment C279morn addressed many of the recommendations within the 2018 Review with regards to removing unnecessary local policy content that was either outdated, redundant or duplicated State planning policies. While the intent of the PPF translation was to be policy neutral, the interpretation and application of the integrated PPF will require ongoing monitoring to ensure the integrity of local policy and well-established planning directives for the Peninsula are maintained. As is discussed later in this report, the Victorian Civil and Administrative Tribunal's (VCAT)

consideration of local policy under the new Framework is still being tested at appeals and should be continuously monitored.

Recommendation:

- **Continue to monitor the integrity of the PPF, application of local policy and the impact of VC amendments on the application of the Mornington Peninsula Planning Scheme.**

6.2.1. Localised Planning Statement

The Mornington Peninsula Localised Planning Statement (MPLPS) remains a key strategic document approved and introduced by the State Government, with the strong support of Council. Largely incorporated into the Planning Scheme by Amendment C279morn, the Statement continues to ensure that the unique character and identity of the Mornington Peninsula is properly recognised and protected at the State level. In effect, introduction of the Statement elevates and solidifies the distinctive role and value of the Peninsula to the State of Victoria.

Significantly, Ministerial Direction No.17 – Localised Planning Statements – clarifies that such statements have an important role in decision-making. The MPLPS expressly recognises that:

The Mornington Peninsula will be planned as an area of special character and importance with a role distinctly different from and complementary to metropolitan Melbourne and designated growth areas.

Critically, the Statement reinforces the view that the Peninsula will not accommodate major population growth, with the Urban Growth Boundary and Green Wedge rural areas to be maintained and protected. Townships are expected to accommodate at most moderate and generally low levels of housing growth, with many smaller towns and villages intended to accommodate very limited further development.

The Statement acknowledges that the key to successful integrated planning of the Peninsula is the establishment of a strong and consistent overall policy framework, including the use of mandatory controls and standards where necessary. A key element of implementing the framework is well underway via Amendment C219morn and the significant strategic work concerning housing, settlement and neighbourhood character completed to support this amendment. Similarly, further detailed strategic work regarding green wedge management and affordable housing are high priorities.

6.3. State Policy

There have been considerable changes to State policy in a variety of areas since the last planning scheme review, including the extensive overhaul and implementation of the revised PPF. Other key initiatives include release of:

- Plan Melbourne Addendum 2019
- Victorian Marine and Coastal Policy 2020
- Metropolitan Industrial and Commercial Land Use Plan 2020
- Draft Southern Metro Land Use Framework Plan 2021
- Victoria's Climate Change Strategy 2021
- Port Phillip & Western Port Regional Catchment Strategy 2021 – 2027
- Victorian Commercial Ports Strategy 2022
- Built Environment Climate Change Adaptation Action Plan 2022-2026
- Victoria's Housing Statement 2024-2034
- A range of social and affordable housing initiatives.

Each of the above are discussed in the following sections of this report.

There are also several changes to State Policy and legislation which have been under development for quite some time that will likely have land use planning implications for the Shire. These are also outlined in the following sections of this report.

6.3.1. Plan Melbourne Addendum 2019

The Plan Melbourne addendum updated Plan Melbourne 2017-2050 with the most recent population and employment projections. It included additional information on industrial and commercial land requirements, information that was not available in 2017 which further support Plan Melbourne's directions and policies. It also embedded the 20-minute neighbourhood concept to help create and connect neighbourhoods that enable people to meet most of their everyday needs within 20 minutes of their home. Plan Melbourne is soon to be replaced by the State Government's mooted "Plan for Victoria" which is discussed later in this report.

6.3.2. Victorian Marine and Coastal Policy 2020 & Marine and Coastal Strategy 2022

Introduced in 2020, the Marine and Coastal Policy is a major new policy initiative designed to guide decision makers in the planning, management and sustainable use of Victoria's coastal and marine environment. It provides direction to decision makers including local councils and land managers on a range of issues such as dealing with the impacts of climate change, population growth and ageing coastal structures.

The Marine and Coastal Policy was implemented into all Victorian planning schemes via Amendment VC171 by strengthening existing State policies relating to coastal hazard planning and sea level rise adaptation.

In 2022, the Marine and Coastal Strategy was released. The Strategy is designed to give effect to the Marine and Coastal Policy by detailing the following priority actions over a 5-year period:

- Action 1: Traditional Owners determine how their rights and obligations are embedded into planning and management of the marine and coastal environment
- Action 2: Improve the condition and ecological connectivity of habitats and respect and care for our marine and coastal areas
- Action 3: Adapting to impacts of climate change
- Action 4: Support sustainable use and development of the marine and coastal environment
- Action 5: Implement the Marine Spatial Planning Framework

Importantly, the Strategy includes a commitment to review and update planning benchmarks for sea level rise based on the latest Intergovernmental Panel on Climate Change (IPCC) reports. The VPPs currently require councils to plan for the sea level rise of 0.8m by 2100, whereas the latest IPCC recommends 1.2m by 2100. As at the time of finalising this 2023 Review, the VPPs are still yet to be updated. If and when the VPPs are revised to the higher scenario, this will have significant implications for land use and development planning along the Peninsula's coastline and associated planning controls and policy in the planning scheme. As noted later in this report, Council is advocating for a State-led approach to the introduction of planning controls and policy to address sea level rise consistent with rapidly evolving climate science.

In the meantime, as is discussed later in this report, Council has commissioned the preparation of a municipal wide coastal strategy – known as Our Coast Our Future – to provide a long-term planning to manage the coastal areas of the Shire and drive efficient and sustainable outcomes in the face of climate change.

6.3.3. Metropolitan Industrial and Commercial Land Use Plan 2020

The Melbourne Industrial and Commercial Land Use Plan (2020) builds on policies and actions from Plan Melbourne 2017-2050 and its 5-year implementation plan. It assesses current and future needs for industrial and commercial land across metropolitan Melbourne, putting in place a planning framework to support state and local government to plan for future employment and industry needs more effectively.

Amendment VC215 in March 2023, strengthened the VPPs by providing certainty around how significant industrial and commercial precincts are planned.

This Plan recommends that the Port of Hastings Corporation, Mornington Peninsula Shire and the Victorian Government investigate the potential for any SUZ1 land outside of the Hastings SSIP that could allow for a broader range of industrial uses. In doing so, it identifies Regionally Significant Industrial Land (RSIL) in Somerville, Tyabb and Crib Point which can provide for a broader range of economic, investment and employment opportunities.

Council made a submission to the draft Plan in 2019, again addressing the need for clarity around the future role of the Port of Hastings given Bay West was selected as the second container port. The submission advocated for the release of SUZ1 land for alternative economic, industrial, agricultural and conservation purposes if there is no proposal for a major port expansion.

In 2020 and 2021, Council made similar submissions to State Government as part of its input to the Victorian Ports Strategy and the draft Victoria's 30-Year Infrastructure Strategy. This matter continues to be an advocacy priority of Council.

6.3.4. Draft Southern Metro Land Use Framework Plan 2021

As a key Plan Melbourne 2017-2050 implementation action, the Land Use Framework Plans aim to help guide how growth, jobs, housing, infrastructure, major transport improvements and open space are managed at a regional level over the next 30 years. The LUFPs are intended to act as a link between the State level objectives provided in Plan Melbourne and local level strategic planning.

The Mornington Peninsula Shire is included in the Southern Metro region which extends from Kingston across to Cardinia City Council areas.

In 2021, Council made a submission in response to the Draft Southern Metro Land Use Framework Plan noting that it provides limited benefit in terms of addressing the long term land use and transport planning issues that relate to the regional role and function of the Mornington Peninsula – as a location for future population growth, a major recreation area contributing to the liveability of the region, an important part of Melbourne's food-bowl, a key regional habitat area, a port area and designated State significant industrial precinct.

The final plan is still yet to be prepared or released by the State Government. When/if released, the Shire will review any associated implications for the planning scheme.

6.3.5. Victoria's Climate Change Strategy 2021

Victoria's Climate Change Strategy sets out the State Government's plan for further reducing emissions while creating new opportunities and new jobs. The Strategy sets targets to cut the state's emissions to net zero by 2045.

In 2021, Council adopted a Climate Emergency Plan – Ensuring Our Future: Our Climate Emergency Response – which guides the Peninsula towards zero carbon emissions by 2040 through actions described in seven summits and 21 actions. As previously noted, Council is awaiting Ministerial authorisation of Amendment C246morn which seeks to introduce a new Particular Provision to facilitate zero carbon development. Prepared in partnership with 24 other Victorian councils from

the Council Alliance for a Sustainable Built Environment (CASBE), the new provision includes ESD objectives and standards for:

- Operational Energy (energy efficiency, performance and greenhouse gas emission reduction)
- Embodied Carbon (greenhouse gas emission reduction and resource efficiency)
- Sustainable Transport (electric vehicles and bicycles)
- Integrated Water management (water efficiency and integration)
- Green infrastructure (lot scale vegetation and urban ecology)
- Climate resilience (climate change adaptation, urban heat mitigation)
- Waste & Resource Recovery (recycling and waste management)

Recommendation:

- **Continue to advocate for Ministerial authorisation of Amendment C246morn and the release of additional improvements to ESD provisions as part of the State Government's ESD Roadmap.)**

6.3.6. Port Phillip & Western Port Regional Catchment Strategy 2021 – 2027

The Port Phillip and Western Port Regional Catchment Strategy (RCS) is the overarching plan for how land, water and biodiversity is protected and enhanced across the Port Phillip and Westernport region.

The strategy is intended to foster integration, efficiency, and effectiveness. Its development and coordination are managed by Melbourne Water in collaboration with Traditional Owners and regional agencies, organisations, groups and communities.

The Strategy includes three local area plans relevant to the Shire with specific plans for Port Phillip Bay, the Mornington Peninsula, and Western Port. Specifically on the local area plan for the Mornington Peninsula, the Strategy includes 38 targets spread across seven themes. These targets are relevant to the long-term strategic planning for the Peninsula. As an example, under the biodiversity theme, one target is to permanently protect around 1000ha of native vegetation on private land by 2050.

The updated Regional Catchment Strategy is referenced in the PPF as a Policy Document. Therefore, the objectives of the Strategy inform statutory planning outcomes.

6.3.7. Victorian Commercial Ports Strategy 2022

The Navigating our Port Futures – Victorian Commercial Ports Strategy 2022 outlines how the State Government will protect and enhance the four Victorian commercial ports; reserve and plan for the connections needed for a second container port; and ensure long-term policy settings are in place that recognise the contribution the commercial ports make to the Victorian economy.

The Strategy identifies the Port of Hastings as an important trade gateway that is well-placed to support the growth of emerging trades including offshore and onshore wind and the export of hydrogen. The Strategy's Action Plan required the Port of Hastings Corporation to prepare an investment case for a new multi-user facility on the Old Tyabb Reclamation Area able to support future and new trades including hydrogen related projects, aggregate imports, supporting construction of offshore and onshore wind developments and other new bulk and break-bulk trades.

In 2023, the State Government commenced planning for the proposed Victorian Renewable Energy Terminal (VRET) at the Old Tyabb Reclamation Area, with the Minister for Planning confirming an Environment Effects Statement (EES) process was required to manage potential impacts of the project. However, in late 2023, the Federal Government rejected the State's request for the project to be a controlled action under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*, citing the project's unacceptable impacts on Ramsar-listed wetlands within the region. The future of the project is now uncertain⁶.

The Victorian Commercial Ports Strategy also confirmed that Hastings is no longer expected to be developed to handle container trade as the second container port for Victoria – instead resolving Bay West as the preferred option. However, the Strategy stopped short of confirming an alternate future role for the Port.

The Strategy also directs that:

- The next iteration of the Port Development Strategy (PDS) for Port of Hastings confirms the extent of existing Special Use Zone (SUZ1) land is surplus to Port needs and can be released for alternative use and development (over and above that SUZ land already identified in the existing 2018 PDS).
- The Minister for Ports and Freight update PDS Ministerial guidelines to specify that port managers (including the Port of Hastings Corporation), map environs that must be protected from encroachment of non-Port related use.

Each of the above directions has significant implications for the planning and development of the Port and surrounding 3,500 hectares of SUZ1 land. Council therefore made planning for the Port of Hastings and potential release of surplus land a major advocacy initiative for 2023, as is discussed later in this report.

It is noted that, at the time of finalising this planning scheme review, the revised PDS had not been released. It is expected that the PDS will be released by mid-2024 and it is hoped that the Shire will have an opportunity to engage with the Port of Hastings Corporation during preparation of the PDS.

⁶ It is noted that the proposed Japanese Kawasaki Hydrogen Energy Supply Chain project (HESC) is also still in the initial planning stages and is yet to be formally referred for an EES. The future of this project also remains uncertain given the Federal Government's decision on the VRET proposal.

6.3.8. Victoria's Housing Statement 2024-2034

In September 2023, the Victorian Government released its Housing Statement which sets out a raft of policy, regulatory, and legislative changes, and specific actions that the Victorian Government intends to make to improve housing supply and affordability in Victoria over the forthcoming decade. The changes relate to various areas of policy, including planning, building, infrastructure, property and real-estate, including renting reforms, and social housing provision.

Several key changes outlined in the Housing Statement have already been implemented through VC amendments to all Victorian Planning Schemes. These include the introduction of two new particular provisions that make the Minister for Planning the responsible authority for planning applications that meet the threshold (cost of development) for significant economic development (Clause 53.22) and significant residential development with affordable housing (Clause 53.23). When these Clauses are utilised, applications also have significantly limited appeal rights.

Based on the pattern of development over the past two decades, the most likely potential application of Clause 53.22 on the Mornington Peninsula is for development associated with Leisure and recreation uses or the Residential hotel use. These uses are often most associated with the Green Wedge, where development potential is well managed through existing controls. However, there may be other instances where the provision is applied for potential major developments within the Urban Growth Boundary. Additionally, it is anticipated that Clause 53.23 may attract interest from developers of Residential aged care facilities and Retirement villages given that these types of developments typically have the highest cost.

Notably, proposals which meet the threshold for these clauses generate widespread community interest resulting in appeals to VCAT. As such, it is anticipated that the changes introduced will have limited impact on the Shire as the decisions regarding such large and sometimes contentious developments are generally decided by the Tribunal.

As previously mentioned in section 6.1 of this report, Amendments VC243 and VC253 have also implemented changes to all planning schemes in relation to the Future Homes project and small secondary dwellings.

The Housing Statement also outlined the introduction of the Short Stay Levy, set at a rate of 7.5%. This may assist with making long-term rental accommodation a more competitive utilisation of housing (including future Small secondary dwellings) compared to short-term rental accommodation.

Further, large scale changes to planning outlined in the Housing Statement include updating Plan Melbourne to incorporate the entire state, to be known as Plan Victoria, and a review and potential re-write of the *Planning and Environment Act 1987*. By their foundational nature, these changes could have significant potential ramifications for planning across the Mornington Peninsula. Nonetheless, such changes will take time to develop and the Shire will continue to engage with both the development of Plan Victoria and the review of the Act at every opportunity.

The remainder of changes outlined in the Housing Statement are expected to assist with the provision of housing in Victoria but are not directly relevant to either the planning system or the Mornington Peninsula.

It is noted that, following release of the Housing Statement, and the fast pace of subsequent announcements and VC amendments related to the Statement, Council resolved to engage in proactive advocacy to articulate the Peninsula's distinct points of difference, ensure the Peninsula's interests are considered and to influence policy implementation on behalf of the community.

Council's advocacy will focus on:

- Seeking clarity on access to funding given our current metropolitan status, level of housing stress and regional challenges.
- Expressing concerns regarding planning system changes and the potential impact on local context, neighbourhood character and proposal to limit community input into planning decisions.
- Seeking input and consultation with Local Government on any changes to the planning scheme (or system) to ensure it is effective in achieving its objectives without having negative consequences.
- Requesting a guarantee that the Short-Term Rental Accommodation Levy will not leave the Shire disadvantaged on both social housing investment and tourism outcomes, considering up to a third of state levy revenue will be raised on the Mornington Peninsula.
- Seeking assurances that revenue raised from the levy on the Peninsula is directly reinvested into more Social Housing on the Peninsula, and urgently repairing current social housing stock that is offline due to maintenance issues.
- Requesting access to the \$150 million Regional Worker Accommodation Fund, considering the Mornington Peninsula Shire's significant contribution to the Victorian tourism economy and the critical issue our local businesses are facing to find and keep staff due to lack of affordable housing.
- Requesting increased limits to the Homebuyer Fund which reflect higher Shire median house prices.
- Requesting release of surplus land at the Port of Hastings to be used to provide additional housing.

Recommendation:

- Continue to respond to important State Government discussion papers and proposed planning reforms at every opportunity to ensure the unique needs of the Mornington Peninsula are addressed (e.g. Victoria's Housing Statement, Plan for Victoria, Planning & Environment Act 1987 Review, etc).

6.4. Upcoming State policy/legislation changes

The State Government has committed to working with local government on a raft of State policy and legislative changes. Many of these changes will affect land use planning in the Mornington Peninsula as outlined below.

6.4.1. Plan for Victoria

As outlined in the Victoria's Housing Statement, *Plan for Victoria* is set to replace the existing *Plan Melbourne* metropolitan planning strategy by expanding it to cover the whole state. As of late 2023, the Shire has already engaged with the State Government on shaping Plan for Victoria. This engagement is expected to continue throughout 2024 and presents a significant opportunity for the Shire to advocate for policy objectives to be incorporated into the new *Plan for Victoria* that align with the Shire's own vision and plan for the municipality.

Recommendation:

- Continue to respond to important State Government discussion papers and proposed planning reforms at every opportunity to ensure the unique needs of the Mornington Peninsula are addressed (e.g. Victoria's Housing Statement, Plan for Victoria, Planning & Environment Act 1987 Review, etc).

6.4.2. Climate Change and Energy Legislation (Renewable Energy and Storage Targets) Bill 2023

This bill was read for the second time in State parliament in late 2023. It outlines high-order changes to the *Planning and Environment Act 1987* that will strengthen the requirements for both strategic and statutory planning processes to respond to climate change. Currently, the bill proposes to:

- Introduce a new planning objective at section 4(2)(d) of the Act to provide for explicit consideration of the obligations of the state relating to climate change.
- Introduce a new duty of planning authorities after section 12(2) so that we must have regard to emissions reductions targets, and any significant risk to use or development from climate change, when preparing planning scheme amendments.
- Introduce a new section (12A) to provide for ministerial directions regarding climate change.

If these proposed changes successfully progress, all relevant future planning scheme amendments will be required to carefully consider the legislated obligations towards combating climate change. The proposed changes are also relevant to the pending release of the State Government's Environmentally Sustainable Development of Buildings and Subdivisions: Roadmap Part Two, and Council's Amendment C246morn (Elevating ESD Targets Particular Provision) which is currently awaiting authorisation.

Recommendation:

- **Continue to advocate for authorisation of Amendment C246morn (Elevating ESD Targets)**

6.4.3. Planning & Environment Act 1987 Review

The Housing Statement signposted a forthcoming review of the Act, beyond amending it in accordance with the proposed *Climate Change and Energy Legislation (Renewable Energy and Storage Targets) Bill*. The review seeks to build a modern, fit-for-purpose planning system by looking at the roles and responsibilities of all parties involved in the planning system. While few details of the intended reforms or engagement process for this review are currently publicly available, it is expected that the Shire will have the opportunity to advocate for any appropriate changes given the potential significance of reforms, including via the Municipal Association of Victoria (MAV).

Recommendation:

- **Continue to respond to important State Government discussion papers and proposed planning reforms at every opportunity to ensure the unique needs of the Mornington Peninsula are addressed (e.g. Victoria's Housing Statement, Plan for Victoria, Planning & Environment Act 1987 Review, etc).**

6.4.4. Operation Sandon Recommendations and implementation

Operation Sandon was a special investigation into corrupt conduct involving councillors and property developers in Melbourne's south-east, carried out by the Victorian Government's Independent Broad-based Anti-corruption Commission (IBAC). The report, released in mid-2023, recommended several changes to the Act to improve the transparency and reduce the risk of corruption throughout the planning scheme amendment process and statutory planning processes. The recommendations are procedural in nature and are not expected to have any impact on the planning scheme itself. Nevertheless, there may be significant implications for how Council engages in the planning scheme amendment process and/or determines certain classes of planning permit applications. Council will continue to advocate for a partnership approach with State Government to advance any reforms so that local government and communities can continue to have a meaningful and effective role in land use and development planning processes.

Recommendation:

- **Continue to advocate for a partnership approach with State Government to advance any reforms so that local government and communities can continue to have a meaningful and effective role in land use and development planning processes.**

6.4.5. Green Wedge Reforms

From 2019 through 2021, the State Government carried out a consultation process relating to potential changes to the Act and planning provisions to strengthen the protection of all Green Wedge land. Known as 'Planning for Melbourne's Green Wedges and Agricultural Land' (P4GWAL), the project is a key action of Plan Melbourne and aims to ensure permanent protection of Melbourne's green wedges and agricultural land from overdevelopment and the ongoing use of this land for non-urban uses through tightened planning controls. Specifically, the project identified a range of options to:

- strengthen legislative and policy frameworks to provide clear strategic direction
- support agricultural land use by strengthening rural zones and overlays
- support more consistent and coherent land use decision-making
- promote design and development in green wedges that is responsive to the surrounding landscape.

Shire officers engaged with the State Government throughout the consultation process, including attending a range of workshops with key stakeholders. In 2021, Council made a lengthy and detailed submission to the project which broadly supported most of the proposed changes while identifying additional measures to protect Green Wedge and agricultural land, consistent with Council's adopted Green Wedge Management Plan.

At the time of finalising this Review, the State Government had not released any proposed changes to Green Wedge planning policy or provisions as a result of the P4GWAL project. It is unclear what the status of the reforms is and whether they will proceed. If the reform process continues, it may affect the future implementation of the Shire's Green Wedge Management Plan. That is, the reforms may address the key elements of the Green Wedge Management Plan such that a local amendment is no longer required.

Recommendation:

- **Continue to advocate to the Minister for Planning for strong controls to protect the Green Wedge.**
- **Review the need to prepare a planning scheme amendment to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies following the release of State Government reforms to Green Wedge planning policy and controls.**

- **Seek to undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes.**

6.4.6. Bushfire Reforms

Over the past 10 years the State Government has delivered changes to how planning schemes consider bushfire with a focus on prioritising human life over other policy objectives. Many of these changes were in response to the recommendations made by the 2009 Victorian Bushfires Royal Commission.

In 2021, the Department released the *Bushfire Planning Made Clearer: Options for Victoria's Planning System*. The discussion paper explores how existing bushfire planning provisions could be improved to make them clearer, focusing on:

- more usable state bushfire planning policy
- clearer planning requirements for developing land in bushfire prone areas
- better bushfire hazard assessments
- improving the implementation of bushfire-related planning permit conditions
- training and capacity building opportunities.

Significantly, the paper confirms that the Victorian Government remains committed to the planning policy objective of prioritising life in decision making.

Council submitted a response to the discussion paper which broadly supported the call for clearer and simpler bushfire planning requirements where possible. However, Council's submission highlighted the Shire's long-held advocacy position calling for review and reform of existing bushfire planning exemptions within the VPPs that allow as-of-right vegetation removal (i.e. 10/30 rule).

Acknowledging that these provisions are designed to help residents make their properties safer in the event of a bushfire, the Shire recognises community concern that their blanket application across large parts of the Peninsula is likely resulting in unnecessary vegetation loss – particularly if the exemptions are being used to gain a development advantage instead of achieving genuine bushfire resilience. Council is concerned that unnecessary vegetation loss resulting from the exemptions is having a range of negative consequences for biodiversity, natural systems, wildlife habitat, neighbourhood character, amenity, community sense-of-place and heritage. Vegetation loss also reduces community resilience to other climate change impacts, such as the 'urban heat island effect' – perversely creating hotter conditions that may increase bushfire activity.

As with the Green Wedge reforms, the status of the State Government's bushfire reforms package remains unclear. is. Nevertheless, the Shire remains committed to advocating for appropriate reforms.

In 2022, Council commissioned the Mornington Peninsula Shire Strategic Planning Bushfire Assessment (Kevin Hazell Bushfire Planning, May 2023) to help provide a clearer understanding of the nature of bushfire hazards on the Peninsula. Upon completion of this work, Council resolved in December 2023 to:

- Adopt the Strategic Planning Bushfire Assessment
- Write to the State Government requesting a review of Bushfire Prone Area (BPA) and Bushfire Management Overlay (BMO) mapping in specific areas of Sorrento and Portsea as per the recommendations of the above assessment
- Request that the Minister for Planning engages relevant experts to undertake the following work using Mornington Peninsula Shire as a pilot test case:
 - Analyse the impact of other planning provisions and bushfire planning scheme requirements that could be resulting in vegetation loss and change
 - Investigate potential changes to the VPPs to allow councils to consider vegetation removed under the bushfire planning exemptions to prevent misuse of exemptions to gain a development advantage.
 - Review bushfire behaviour on the Mornington Peninsula to identify areas of lower risk where the mapping of bushfire controls could be reduced.

Council also agreed on a consultation program to keep major stakeholders informed and to encourage individual community members to advocate directly to the State on this matter.

If the State Government's intended reforms proceed, the Shire will need to review whether any localised strategic work in this space is still required.

Recommendation:

- **Continue to advocate to the Minister for Planning to reform existing bushfire planning provisions and mapping, to minimise unnecessary vegetation loss on private land within the Shire.**

6.4.7. Environmentally Sustainable Development of Buildings and Subdivisions: Roadmap Part Two

The 'ESD Roadmap' was first signposted in *Plan Melbourne 2017-2050*. While some changes have been implemented via Amendment VC216 (refer section 6.1 above), the second part of the Roadmap involves developing and implementing a new set of Particular Provisions to set out ESD objectives and standards for residential, commercial and industrial developments. This component of the project is currently under review by the Department.

The Roadmap is particularly relevant to Council's proposed Amendment C246morn which has been developed together with the group of CASBE councils. This amendment is awaiting authorisation from the Department, pending the review of the

ESD Roadmap, Part Two. If the Roadmap progresses as originally outlined, it is not likely that Amendment C246morn will progress in its current form, as it may result in a duplication of Particular Provisions seeking to set standards for environmentally sustainable development.

Recommendation:

- **Continue to advocate for Ministerial authorisation of Amendment C246morn and the release of additional improvements to ESD provisions as part of the State Government's ESD Roadmap.**

6.5. Discussion Papers & Advocacy

Local Councils are increasingly asked by State Government and other authorities to provide feedback and input into a broad range of proposed reforms. Some proposed reforms have minor operational impacts while other have major implications for land use and development across the Mornington Peninsula. Since the 2018 Review, the Shire has provided feedback on the following discussion papers and draft legislation and policy documents:

- Solar Energy Facilities – Design and Development Guideline
- Planning Reforms for Extractive Industries
- Metropolitan Open Space Strategy
- Melbourne Industrial and Commercial Land Use Plan
- Land Use Buffers and Separation Distance
- Buffer Area Overlay
- Draft Separation Distance Guidelines (EPA publication no. 1949)
- Draft Landfill Buffer Guideline (EPA publication no. 1950)
- Permanent Planning Provisions for Non-government Schools
- Integrating Environment Protection Reform into Land Use Planning
- Independent Review of the Victorian Ports System Discussion Paper
- Planning for Melbourne's Green Wedges and Agricultural Land (P4GWAL) Consultation Paper
- Second Dwelling Code and Pilot Program
- Environmentally Sustainable Development of Buildings and Subdivisions: A Roadmap for Victoria's Planning System
- Southern Metropolitan Land Use Framework Plan 2021
- Inquiry into Apartment Design Standards in Victoria
- Inquiry into the Protections within the Victorian Planning Framework
- Bushfire Planning Made Clearer: Options for Victoria's Planning System Discussion Paper
- Modernising Car and Bicycle Parking Requirements – Discussion Paper
- Modernising Sign Requirements - Discussion Paper (Federal) Aviation Green Paper - Towards 2050

It is noted that the opportunity to respond to State led planning initiatives occurs on an ad hoc basis, often within very tight timeframes. As such, it can be very resource intensive to review and respond to these initiatives which often requires the input of several departments within the Shire. The timing and nature of consultation on State-led initiatives can therefore, at times, impact the timing and delivery of Shire-led strategic planning initiatives.

Nevertheless, the Shire welcomes the opportunity to be consulted on and engage with the development of new planning policy or provisions which would impact land use and development planning on the Peninsula.

Recommendation:

- **Continue to respond to important State Government discussion papers and proposed planning reforms at every opportunity to ensure the unique needs of the Mornington Peninsula are addressed.**

6.5.1. Sea level rise and the Port Phillip Bay Coastal Hazard Assessment

In December 2023, the State Government released the long-awaited Port Phillip Bay Coastal Hazard Assessment (PPBCHA). The assessment is intended to help authorities proactively plan for and manage future changes to the Port Phillip Bay coastline. The assessment builds on a range of existing models and studies, combines the latest science, monitoring and technical assessments to provide better understanding of the complex coastal processes of Port Phillip Bay. The coastal hazards examined in the PPBCHA are coastal inundation, coastal erosion and changes in groundwater salinity and depth.

Prior to the release of the PPBCHA, Council resolved in July 2023 advocate to the Minister for Planning to:

- provide clear and concise planning guidance in the form of a State Government led coastal hazard planning zone and/or overlay that is specifically designed to address risks to land use and development around Port Phillip and Western Port Bay from predicted sea level rise, and
- ensure that the zone and/or overlay is promptly applied and continually updated by the State Government in response to the most up to date scientific evidence regarding sea level rise (as is done for other environmental risks such as bushfire).

Council explained that the reason for the request is because coastal councils and communities like Mornington Peninsula Shire are experiencing significant and disproportionate administrative, cost and risk burdens associated with:

- the current lack of planning controls within the VPPs that are specifically designed to address sea level rise issues
- the requirement for local councils to facilitate planning scheme amendments to introduce and apply planning controls based on sea level rise hazard data produced by the State Government
- the lack of certainty for land use and development outcomes during the period between when State Government hazard data is released and planning scheme amendments are completed, and
- the inability of locally led planning scheme amendment processes to keep pace with advances in scientific evidence of sea level rise hazards and associated benchmarks.

Recommendation:

- **Continue to advocate to the Minister for Planning for a statewide approach to the development and application of controls in response to the findings of the Port Phillip Coastal Hazard Assessment.**

6.5.2. Future role and development at the Port of Hastings

The Port of Hastings contains the deepest port channel in Victoria, four jetty complexes and hosts three major industries (i.e. BlueScope, ExxonMobil Gas Fractionation Plant and the United Petroleum Storage and Distribution Facility).

The Port exists within the environmentally sensitive Western Port Biosphere which contains ecological values of local, regional, national and international significance, whilst also fulfilling important recreation and tourism functions.

Adjacent to the Port are large swathes of land (about 3,500 hectares) zoned SUZ1 which have been quarantined for Port-related uses and development since the 1960s. The extent of SUZ1 is significantly greater than the declared Port area and includes the entirety of the Esso and BlueScope Steel sites, several smaller industrial and rural uses and a small proportion of residential properties.

The SUZ1 encourages uses that create effective buffers to Port-related uses, allowing only Port-related industries and development and very limited other uses. The SUZ1 therefore effectively sterilises a sizeable region of the Peninsula from alternative land uses that might otherwise deliver a net community benefit for the Mornington Peninsula Shire (Shire), such as tourism, agriculture, housing, open space or environmental conservation.

Council has held various advocacy positions over the years regarding the preferred future role and development of the Port and surrounding SUZ1 land. In recent history (2015), Council advocated for the Port to be declared the second container port to the Port of Melbourne over Bay West. This position was premised on the Port of Hastings being developed as a 'Green Port' and strong opposition to any dredging of

Port Phillip Bay or widening of the Heads that would otherwise be required to establish Bay West as the second container port.

In July 2018, the State Government released the Victorian Freight Plan – Delivering the Goods which affirmed Bay West as the preferred location for a second container port for Victoria, with the Port of Hastings to be held as an option in reserve. Following this announcement, and without success, Council advocated for the State Government to confirm its preferred future role for the Port of Hastings in lieu of it becoming a second container port and for the release of SUZ1 land surplus to Port needs for alternative use and development.

The 2018 Port Development Strategy for the Port of Hastings (PDS) – which remains current as at the time this report was prepared – identifies that the Port is to be held in reserve as a potential second container port for Victoria with Bay West being the preferred location of the second container port. The 2018 PDS also identifies large areas of land adjacent to Tyabb, Somerville and Hastings that is surplus to Port needs and could be investigated and rezoned for industrial uses.

However, as discussed in Section 6 of this report, the Victorian Commercial Ports Strategy which was released in 2022 confirmed that the Port of Hastings is now no longer expected to be developed to handle container trade with Bay West resolved as the second container port for Victoria. As noted, however, the Commercial Ports Strategy stopped short of confirming an alternate future role for the Port.

Importantly the Victorian Commercial Ports Strategy also directs that the next iteration of the PDS for Hastings must confirm the extent of existing SUZ1 land that is surplus to Port needs and can be released for alternative use and development – over and above that SUZ land already identified in the existing 2018 PDS.

A confirmed role for the Port of Hastings and release of more surplus land has significant implications for the planning and development of Westernport region. Therefore, at the 4 April 2023 Council meeting, Council resolved that one of its three advocacy focus areas of 2023 would be ‘Port of Hastings (surplus land opportunities)’. Council has since commenced an advocacy campaign seeking the State Government to provide:

- clarity on the boundaries and timing of a Ministerial decision regarding release of surplus SUZ1 land, and
- funding for strategic planning and community engagement to determine the best uses for the surplus land with options to include housing, agriculture, areas for conservation, and industrial precincts to support the energy transition.

It is noted that, whilst the future role of the Port and surrounding land is subject to resolution at the State level, Council continues to respond to major development proposals including:

- AGL and APA Group’s proposed Gas Import Jetty and Pipeline project for Crib Point (which was opposed by the Shire and ultimately rejected by the Minister for Planning following a comprehensive Environment Effects Statement process)

- the State Government's Victorian Renewable Energy Terminal (VRET) project for the Old Tyabb Reclamation area (which was recently rejected by the Federal Government for unacceptable environmental impacts), and
- Kawasaki's Hydrogen Energy Supply Chain (HESC) project, currently in the early planning stages and yet to be referred to the Minister for Planning for consideration under an EES process.

Recommendation:

- **Continue to advocate for the State Government to release surplus land surrounding the Port of Hastings, including funding for the strategic planning and community engagement to determine the best uses with options to include housing, agriculture, areas for conservation, and industrial precincts to support the energy transition.**
- **Seek to engage with the Port of Hastings Corporation on development of the next PDS expected in mid-2024.**

7. Local Strategic Context

A considerable array of local strategic documents has been prepared and adopted since the 2018 Planning Scheme Review. Key documents are summarised in the following sections of this report, noting associated implications for the planning scheme.

7.1. Council and Wellbeing Plan 2021 - 2025

Council's primary governance document required under both the *Local Government Act 1989* and *Health and Wellbeing Act 2008*; is the *Council and Wellbeing Plan 2021 - 2025*. The Plan was developed through ongoing community consultation and engagement and was formally adopted by Council in October 2021. The *Planning and Environment Act 1987* requires the Mornington Peninsula Planning Scheme to be consistent with the Council Plan.

The Plan centres around three themes representing the community vision:

- A healthy natural environment and well-planned townships
- Vibrant and unique townships balanced with a natural environment that is protected now and into the future, accelerating climate action and celebrating cultural heritage.
- A robust, innovative and diverse economy
- A community with abundant and varied education and local employment opportunities. We are open to new ideas and work with our partners to grow a strong, diverse and future-focused economy.
- A flourishing, healthy and connected community
- An inclusive and creative community that values safety, physical and mental health and wellbeing. A community with accessible services and transport to keep us connected.

Of relevance to the planning scheme, the Plan includes the following strategic objectives:

- 1.2.3 Continue to protect the green wedge using the Green Wedge Management Plan, encourage productive use and advocate for maintaining its special role and character
- 1.3.5 Advocate for environmentally sustainable design principles to be integrated into the Mornington Peninsula Planning Scheme
- 1.3.7 Revise the planning scheme with consideration to our vulnerability to flooding and bushfires and the protection of native vegetation
- 1.4.4 Continue to implement the Triple A Housing Plan
- 1.4.5 Develop an Affordable Housing Policy to facilitate contributions in private developments
- 1.4.9 Deliver actions in the Housing and Settlement Strategy and Neighbourhood Character Study to manage demand for housing and population growth

- 2.4.3 Use our industrial and commercial land to aid business growth and attract new and emerging industries to help diversify our economy.
- 2.4.4 Collaborate with the community about the future role of the Port of Hastings and the surrounding port-related land

Sections 4.3 (Planning Scheme Amendment completed) and 4.4 (Planning Scheme Amendments underway) of this report, as well as the following Sections 7.2 (Strategic Documents Adopted by Council) and 7.3 (Current Strategic Projects) provides an overview of the wealth of strategic work which helps implement these Council Plan objectives.

7.2. Strategic Documents Adopted by Council

The following strategic documents are adopted positions of Council and have been through a consultation process. Each document and its strategic objectives are already incorporated into the planning scheme; or an amendment is underway/listed as future work.

7.2.1. Township Structure Plans

In the context of continuing to plan for strategic issues affecting townships within the Shire, Council has adopted the following township and structure plans since the last 2018 Review:

- Western Port & Coastal Villages Strategy adopted 14 October 2019
- Balnarring Structure Plan adopted 19 August 2019
- Somerville Structure Plan adopted 15 July 2019
- Baxter Structure Plan adopted 1 April 2019
- Dromana Township Plan adopted 20 August 2018
- Crib Point Township Plan Refresh 2021
- Rye Township Plan 2020 and Urban Design Guidelines 2020

Each of the above have been implemented into the planning scheme via amendments undertaken during this review period as outlined at Section 4.3 of this report.

7.2.2. Mornington Peninsula Green Wedge Management Plan (2019)

The Mornington Peninsula's Green Wedge accounts for approximately 70% of the Shire and is one of the most distinctive and valued features of the Peninsula. Over the last 40 years, both State and local policy has been implemented to protect the Green Wedge from urban sprawl and inappropriate development.

Council initially adopted the Mornington Peninsula Green Wedge Management Plan (GWMP) in 2018. The Plan was updated in response to further submissions in April 2019.

The GWMP identifies a range of actions which Council is continuing to implement. . To date Council has prepared two amendments to implement the recommended review of sites zoned Special Use (SUZ) within the Green Wedge to ensure the overall objectives for the Green Wedge are being met:

- Amendment C270morn proposed to rezone specific sites zoned (SUZ2) to either Green Wedge Zone Schedule 3 (GWZ3), Public Conservation and Resource Zone (PCRZ) or Public Park and Recreation Zone (PPRZ) and delete specific sites from the Schedule to Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions). This amendment was approved with changes.
- Amendment C235morn proposed to rezone land zoned Special Use Zone 4 (SUZ) to the Green Wedge Zone 2 (GWZ2). However, the Minister for Planning refused authorisation of this amendment in February 2022.

In terms of policy, the GWMP recommends introducing a 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' policy however these have not progressed because of the pending release of State Government reforms to Green Wedge planning (discussed earlier at section 6.4.5 of this report). The Shire understands that the reforms are likely to address these policy concerns, negating the need for a locally led planning scheme amendment.

In terms of strategic directions, the GWMP does not identify a need to update the MPS (formerly known as the MSS). Nevertheless, the PPF translation facilitated by Amendment C279morn – which was completed after Council adopted the GWMP – not only deleted redundant policies as identified in the GWMP but importantly introduced key content from the Localised Planning Statement (LPS) relating to protecting green wedge and agricultural land. These strategic directions expressly align with those of the GWMP. Notably, Council's vision, as underpinned by the LPS at Clause 02.02 Vision now specifically seeks to:

- Protect the Peninsula's landscapes, coastlines, seascapes and rural area, including the scenic values of the green wedge.
- Retain the Peninsula's agricultural role with a focus on sustainable agriculture.

Similarly, Clause 02.03-1 Settlement seeks to:

- Protect green wedge land, maintain the Urban Growth Boundary and protect the 'green break' between the Peninsula and metropolitan Melbourne.
- Maintain rural areas for their environmental, landscape, recreational and agricultural values, and minimise development that could have an adverse impact on these values on land located in the Green Wedge Zone or Farming Zone.

Given the above, integration of the GWMP into the Scheme is substantially complete. Consideration could be given to referencing the GWMP as a background document to the Scheme when preparing the amendment to implement the Biodiversity Conservation Plan or a future anomalies amendment.

Another key recommendation of the GWMP is preparation of a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes. This remains outstanding and is a substantial undertaking that is subject to appropriate funding and resourcing.

Finally, as previously explained, Council has engaged extensively with the State Government by advocating for reforms to strengthen Green Wedge and agricultural land policy and provisions at the State level through a detailed submission to the Planning for Melbourne's Green Wedges and Agricultural Land (P4GWAL) Consultation Paper in January 2021. The reforms are yet to be released but will be critical to ensuring clear and consistent application of Green Wedge policy at all levels of government.

Recommendation:

- **Continue to advocate to the Minister for Planning for strong controls to protect the Green Wedge.**
- **Review the need to prepare a planning scheme amendment to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies following release of State Government reforms to Green Wedge planning policy and controls.**
- **Seek to undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes.**

7.2.3. Industrial Land Use & Infrastructure Assessment and Rezoning Strategy

In response to the identified shortfall of industrial land on the Mornington Peninsula identified in Council's adopted Industrial Areas Strategy (Essential Economics, 2018), the Industrial Land Use & Infrastructure Assessment and Rezoning Strategy (ILARS), was adopted by Council in September 2020. The Strategy provides an analysis of Special Use Zone (SUZ1) land near the townships of Hastings, Somerville and Tyabb that was identified by the 2018 Port Development Strategy for the Port of Hastings as surplus to Port needs and therefore available for wider industrial uses.

Consistent with the recommendations of Council's adopted ILARS, Council is progressing privately led **Amendment C243morn** to create a new industrial, technology and business park in Somerville. Council is also working with landowners in Hastings to facilitate a privately led amendment (to be known as Amendment

C294morn) to create a new industrial park in Hastings which is the site identified in ILARS as the preferred location for major industrial development.

Recommendation:

- **Continue to pursue Amendments C243morn and C294morn to facilitate wider industrial uses for surplus SUZ1 land.**

7.2.4. Western Port Coastal Villages and Surrounding Settlements Strategy

The Western Port Coastal Villages and Surrounding Settlements Strategy (Ethos Urban, 2019), adopted by Council in October 2019, is a major strategic initiative that aims to address potential climate change impacts along the Western Port Bay coastline (specifically inundation and erosion) whilst protecting and enhancing sensitive coastal and foreshore areas and township character.

The Strategy delivers on Council's commitment to ensuring that the community is resilient and adaptable to climate change and is based on extensive background research, analysis and community consultation undertaken during 2018 to 2019.

The Strategy specifically responds to the findings of the Western Port Local Coastal Hazard Assessment (Water Technology, 2014) (WPLCHA) which provides the best available scientific mapping, modelling and data of potential storm surge and sea level rise impacts of 0.8 metres by the year 2100.

The Strategy provides:

- an overall vision, framework plan and set of design objectives for each township
- defined character areas and associated design guidelines for commercial, industrial and foreshore land in each township, with residential guidelines adapted from Council's adopted Neighbourhood Character Study & Guidelines (Ethos Urban, 2019) ('the NCS&G')
- mapping of potential coastal inundation and erosion hazards for each township
- recommended actions to address coastal hazards through the planning system and other initiatives in partnership with the State Government and allied government agencies Townships included within the Strategy are Hastings, Tyabb, Bittern, Crib Point, Balnarring and Balnarring Beach, Flinders, Red Hill and Red Hill South, Somers, Merricks and Merricks Beach, Point Leo and Shoreham.

Specifically, Planning Scheme Amendment C271morn seeks to implement the findings of the Strategy by providing a design and character framework for each specified village. Amendment C271morn was supported by an independent Planning Panel and adopted by Council in March 2023, and is currently awaiting Ministerial approval.

Recommendation:

- **Continue to seek approval of Planning Scheme Amendment C271morn to implement the findings of the Western Port Coastal Villages and Surrounding Settlements Strategy.**

7.2.5. Neighbourhood Character Study & Guidelines

A key recommendation of the 2018 Review was the preparation and completion of a Shire-wide neighbourhood character study to guide decision-making around future residential built form on the Peninsula. Following a two-year process including extensive analysis and community engagement, Council adopted the Neighbourhood Character Study & Guidelines (Ethos Urban, 2019) in September 2019. The Study seeks to ensure that the valued characteristics of the Mornington Peninsula's residential areas remain protected while accommodating future population growth and providing housing diversity.

The Study:

- Identifies the character typologies that apply to the Shire's residential areas
- Documents the built form elements, vegetation and topographic features that characterise each typology
- Develops a set of Preferred Character Statements and Design Guidelines that respond to each typology's built-form elements, vegetation and topographic features.

The Study recommends appropriate planning controls, including zone schedules and changes to, or additional overlays to implement preferred character outcomes across the Shire.

Major **Amendment C219morn** seeks to implement the findings and recommendations of the Study in tandem with strategic directions of Council's adopted Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036, which is discussed below.

Recommendation:

- **Complete Amendment C219morn to implement the findings of the Neighbourhood Character Study & Guidelines and the Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036.**

7.2.6. Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036

As recognised in the 2018 Review, Council adopted a Housing and Settlement Strategy (HSS) for the Peninsula in December 2017. The HSS outlined directions for future housing and population growth over a 15-year periods to ensure that the

unique values and character of the Mornington Peninsula's settlements, landscape and environment are protected and enhanced.

In addressing primary housing issues facing the Peninsula, the HSS gave specific regard to the balance between managing projected housing demand against available capacity in different locations across the Peninsula, and the associated implications for built form/height controls and subdivision lot sizes.

In accordance with State policy and the Mornington Peninsula Localised Planning Statement (adopted by Council in July 2014), the HSS advocated for a scaled approach to residential development that allows growth to occur at an intensity commensurate with the role, function and location of the Shire's established settlements, whilst protecting the special low-rise coastal character of neighbourhoods and areas of environmental significance.

The HSS resolved that the Peninsula's townships will accommodate, at most, moderate and generally low levels of housing growth, with many smaller towns and villages able to accommodate only very limited further development.

In July 2020, Council adopted a refreshed version of the HSS known as the Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036 (HSS Refresh). The purpose of the refresh was to provide additional clarity on housing directions with more detailed explanation of the many influences and constraints impacting housing growth and delivery within the Shire. The fundamentals of the original HSS, however, were maintained. The HSS Refresh therefore outlines how future housing and population growth will be accommodated on the Mornington Peninsula over the next 16 years while ensuring the special values and character of the Peninsula are protected for current and future Victorians.

The HSS Refresh applies to all residential areas and activity centres of the Peninsula within the metropolitan Urban Growth Boundary (UGB) as well as the few small areas zoned General Residential Zone (GRZ) and Low Density Residential Zone (LDRZ) outside the UGB.

The key directions of the HSS Refresh are to:

- recognise the limits to the capacity of the Peninsula and of the individual towns and villages to accommodate further growth
- give priority to the protection of residential character and amenity
- identify and make provision for changing housing needs to the extent that is consistent with the role, character and function of each township and settlement
- determine appropriate change through a consultative process
- ensure that future development is properly supported with infrastructure and services

The HSS Refresh includes a Housing Change Framework, identifying areas for minimal, incremental and substantial housing change across the Shire, recommending that much of existing GRZ land be rezoned to the NRZ whilst retaining many existing mandatory controls around subdivision and building heights, as well as the existing 'single dwelling per lot' requirement in some areas of the Shire.

Amendment C219 seeks to implement the HSS Refresh by proposing substantial changes to zones, overlays and policy affecting all residential areas across the Shire.

Amendment C219 was authorised by the Minister for Planning and publicly exhibited from 12 August – 29 October 2021. A total of 317 submissions were received expressing a broad array of views. The amendment was therefore considered by an independent Planning Panel in February and March 2023 with the Panel's report with findings and recommendations released on 8 May 2023.

As per recommendations of the Panel, the Shire is currently undertaking additional strategic work to ensure the amendment provides for a 15-year housing supply before the amendment is adopted by Council. It is anticipated that the amendment will be presented to Council for adoption by mid-2024.

The Panel also recommended that a strategic review of the LDRZ areas is undertaken to simplify the application of the LDRZ across the municipality especially the varying minimum lot sizes. The need for this review will be subject to the outcomes of the housing supply analysis currently underway and subject to future budget and resourcing requirements in coming financial years.

In addition to the above, the HSS Refresh identifies several "Investigation Areas" where land currently within the LDRZ could be investigated for suitability to accommodate housing growth. As is noted in this report, Council is currently progressing privately led amendments for several of these investigation areas following extensive review and analysis of site constraints and opportunities, including **Amendment C247morn** (proposed infill residential precinct in Woodbyne Crescent and Albany Way, Mornington) and **Amendment C249morn** (proposed new residential precinct at Boundary and Collins Roads, Dromana).

Finally, the HSS Refresh recommends that Council advocate to the State Government to place the Urban Growth Boundary around the urban areas of Balnarring Beach, Merricks Beach, Merricks and Point Leo under section 46AG of the *Planning and Environment Act 1987*. While Shire officers have had initial discussions with the State Government about this recommendation, implementation of this action requires ratification by Parliament which is a long-term prospect. Council can continue to seek this outcome through its engagement with the State Government on the future Plan for Victoria (previously discussed in this report).

Recommendations:

- **Complete Amendment C219morn to implement Council's adopted Neighbourhood Character Study & Guidelines and the Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036.**
- **Determine the need to undertake a strategic review of the LDRZ areas to simplify the application of the LDRZ across the municipality (especially the varying minimum lot sizes) subject to future budget and resourcing.**
- **Continue to progress Amendment C247morn and Amendment C249morn to deliver additional housing supply on the Peninsula.**
- **Continue to engage with the State Government to apply the Urban Growth Boundary around the urban areas of Balnarring Beach, Merricks Beach, Merricks and Point Leo under section 46AG of the Planning and Environment Act 1987.**

7.2.7. Balcombe Estuary and Associated Reserves Ecological and Planning Study

The 2018 Review identified the need to undertake strategic work to investigate whether further planning controls were needed to better protect the environmental values of the Balcombe Estuary and surrounding reserves.

The Balcombe Estuary Creek is one of the Mornington Peninsula's major waterways and a significant natural asset. The Balcombe Estuary Creek and associated reserves (the Reserves) around it contain 164 indigenous plant species, some of which are bioregionally endangered. The area also provides important habitat for the nationally threatened Dwarf Galaxias fish.

In addition to environmental values, the Reserves contain formal sport and recreation facilities such as tennis courts, cricket/football ovals, pistol club and bowls club. The Reserves also have several informal recreation facilities (such as picnic tables, playgrounds, walking trails and fishing platforms) as well as community facilities including the Mount Martha Preschool and Maternal and Child Health Centre.

Following extensive analysis and community engagement, Council adopted the Balcombe Estuary and Associated Reserves Ecological and Planning Study (Biosis, 2022). The Study recommended that a new Environmental Significance Overlay (ESO) be applied to the estuary and reserves to limit the impact of future development and vegetation removal on the environmental significance of the area. It also recommended that small pockets of land be rezoned where the current zoning does not match the current or future land use.

Amendment C241morn proposes to implement recommendations from the Study by applying a new Schedule 32 to the Environmental Significance Overlay (ESO32) to protect critically important ecological values and environmental systems in the area whilst acknowledging the importance of existing community infrastructure. Public exhibition of the amendment was completed in December 2023.

Recommendation:

- **Complete Amendment C241 to implement the findings of the Balcombe Estuary and Associated Reserves Ecological and Planning Study.**

7.2.8. The Briars Master Plan: 2019-2029

Situated at Mount Martha, The Briars is one of the first pastoral 'runs' on the Peninsula. The National Trust Heritage Listed Homestead located on the parcel, was completed in 1851, and the surrounding parcel comprising approximately 230ha includes a visitor's centre, wildlife sanctuary, wetlands, gardens, plant nursery, vineyard, café, restaurant, kiosk and picnic areas. The Briars is an important part of the Mornington Peninsula's historical, environmental, visitor and community landscape.

Currently, the wildlife sanctuary (approximately 90 hectares) is zoned as Public Conservation and Resource Zone (PCRZ) while the balance of The Briars (approximately 140 hectares) is zoned Green Wedge.

Council has prepared a master plan for the area to provide a strategic vision for the site. The Briars Master Plan was adopted by Council in 2019.

The 2018 Review flagged the need to undertake a planning scheme amendment to rezone part of the site currently zoned GWZ to the PCRZ to facilitate implementation of components of the masterplan. A review is required to determine whether such an amendment is still required.

Recommendation:

- **Review the adopted The Briars Master Plan: 2019-2029 to determine whether a rezoning is required to implement all components of the master plan and prepare an amendment as necessary.**

7.2.9. Biodiversity Conservation Plan

The Shire's Biodiversity Conservation Plan (Ecology Australia, 2019) establishes strategies and actions to protect and improve the resilience of the Mornington Peninsula's natural environment and biodiversity. Actions outlined in the Plan are focused on six key areas:

- Engaging with the community and building stewardship;
- Facilitating biodiversity conservation on private land;
- Protecting biodiversity through planning and policy;
- Building a strong knowledge base;
- Demonstrating and leading best-practice land management; and

- Building ecosystem resilience in a changing climate.

The Planning Provisions Review for Biodiversity Conservation project is due to commence in 2024 as part of the implementation of the Biodiversity Conservation Plan. The review of existing policies and controls (such as the VPO, ESO and/or SLO) to protect biodiversity may result in a future planning scheme amendment.

Recommendation:

- **Prepare an amendment to the Planning Scheme to integrate the key strategic directives of the Biodiversity Conservation Plan and the findings of the Planning Provisions Review for Biodiversity Conservation project as required.**

7.2.10. Mornington Peninsula Climate Emergency Plan – Ensuring Our Future: Our Climate Emergency Response

Council's Climate Emergency Plan - Ensuring Our Future: Our Climate Emergency Response (2020) provides clear priorities across 'seven summits' for how the Shire will support and work with the community to achieve zero carbon emissions for the Mornington Peninsula by 2040.

Relevant to the planning scheme, Action 16 of the plan seeks to introduce ESD and climate risk impact considerations into the planning scheme, including a local ESD policy and strengthened ESD provisions to achieve best practice outcomes.

As noted in Section 4 of this report, Council's local ESD policy was introduced to the planning scheme in July 2019 via Ministerial approval of Amendment C232morn. As noted in Section 6 of this report, Council also continues to advocate for Ministerial authorisation of proposed Amendment C246morn which seeks to introduce a new Particular Provision to facilitate zero carbon development alongside 24 other Victorian councils from CASBE.

Recommendation:

- **Continue to advocate for authorisation of Amendment C246morn (Elevated ESD Targets)**

7.2.11. Mornington Peninsula Flood and Stormwater Strategy

The Mornington Peninsula Flood and Stormwater Strategy was adopted by Council in May 2022 and seeks to manage stormwater and build resilience to flooding in our communities, our environment and infrastructure.

The Shire's flooding and inundation risk is mapped by the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO). Amendments to the Shire's flooding and inundation overlays is being progressively introduced, generally in accordance

with the implementation of the Mornington Peninsula Shire Integrated Local Flood Management and Drainage Strategy (2009) and further relevant drainage modelling by Melbourne Water.

In 2019, Amendment C216morn enabled application of the LSIO to land identified by Melbourne Water as vulnerable due to hazards associated with coastal erosion, flooding, sea level rise and storm surge around Westernport. Further modelling for the balance of the Shire (i.e., Port Phillip side) has been undertaken as part of the Third Phase Coastal Hazard Assessment for Sea Level Rise and Inundation by DELWP and Melbourne Water.

It is noted that the planning scheme does not presently comprise the Special Building Overlay (SBO). The SBO is commonly used by municipalities to identify areas prone to overland flooding and set appropriate conditions and floor levels to address any flood risk to developments. In the absence of this overlay in the Mornington Peninsula Planning Scheme, permit applicants presently must apply (and pay an associated fee) for Council to confirm flood levels for individual sites via the Report and Consent mechanism under the Building Act 1993. That is, overland flooding risk is not being addressed at the planning stage, but rather the building permit stage. This can create issues for applicants who may have to amend development proposals if they did not seek a flooding report and consent before finalising development plans.

The Shire is currently finalising revised modelling and mapping for overland flooding and temporary storage for all catchments across the Shire in partnership with Melbourne Water. Once complete, the Shire will again partner with Melbourne Water to prepare a planning scheme amendment to introduce and apply the SBO where required to ensure overland flooding risks are captured in the scheme and appropriately managed at the planning stage.

Recommendation:

- **Partner with Melbourne Water to prepare a planning scheme amendment based on revised flood modelling and mapping to apply the Special Building Overlay (SBO) to ensure local overland flooding risk is appropriately captured and managed by the planning scheme**

7.2.12. Municipal Heritage Review

The *Mornington Peninsula Shire Heritage Review* (the Heritage Review) encompasses a review of European Heritage across the Shire, including a review of previous heritage studies under the former Hastings, Flinders and Mornington Shires, a new Thematic History, and the identification of potential additional heritage places to be included in the Heritage Overlay. The Review has been divided into four separate stages/ study areas as follows:

- Stage 1: Mount Eliza, Mornington, Mount Martha
- Stage 2: Arthurs Seat, Capel Sound, Dromana, Fingal, Main Ridge. McCrae, Red Hill, Rosebud and Rye

- Stage 3: Blairgowrie, Sorrento and Portsea
- Stage 4: Somerville, Hastings, coastal townships and rural areas
- Stage 5: Watchlist and Other Places

Stage 1 has been completed, with the recommendations of the Review incorporated into the Planning Scheme via Amendment C174 (Part 1) and Amendment C174 (Part 3). Stage 2 of the Heritage Review, which included a new shire-wide Thematic History, was adopted by Council in October 2017. Following public exhibition, the findings were implemented into the planning scheme (updates to Heritage Overlay and Reference documents) via Amendment C214 in October 2019.

Stage 3 of the Heritage Review was implemented into the planning scheme (updates to Heritage Overlay and Reference documents) via Amendment C262morn (Part 1 and Part 2) in May 2022.

Stages 4 and 5 are currently underway with consultation on draft citations completed in 2023, and a planning scheme amendment to be considered by Council in 2024 for any recommended Heritage Overlays.

Recommendation:

- **Following completion and adoption of Stages 4 and 5 of the Heritage Review, seek to incorporate the findings into the planning scheme via a planning scheme amendment.**

7.2.13. Triple A Housing Plan 2020-2030 & Social and Affordable Housing Policy 2020

In 2020, Council adopted the Triple A Housing Plan which outlines how the Shire intends to advocate for and facilitate affordable, appropriate and available housing on the Peninsula to meet community needs. The plan includes a range of objectives and actions, including around increasing the supply of social and affordable housing through the planning scheme.

Key actions include negotiating developer contributions for affordable housing for planning scheme amendments and significant planning permit applications, as well as strengthening the planning scheme in support of social housing (including developer contributions).

In addition to the Triple A Housing Plan, Council also adopted the 'Social and Affordable Housing Policy'. The purpose of the policy is to:

- provide a framework for advocacy on social and affordable housing and homeless issues
- set a vision for the form of social and affordable housing, and
- provide guidelines for Council direct contributions to social and affordable housing, including scoping the range of innovative actions that may be required to incentivise housing or support homelessness services.

Relevant to the planning scheme, the policy includes commitments that Council will:

- Advocate for State government support for changes to the planning system which would ensure equitable contributions from major developments to addressing social and affordable housing needs
- Advocate for change to the VPPs that would create a faster, special pathway for the provision of social housing, having regard to the protection of neighbourhood character
- Advocate to assist and encourage private developers to include affordable housing into their projects underpinned by processing incentives and Section 173 agreements

Consistent with the Triple A Housing Plan, the policy requires that Council seek a developer's contribution in the form of social or affordable housing on the land or a financial contribution for the provision of off-site social or affordable housing for any proposed planning scheme amendment that could potentially increase residential density.

As outlined in Section 7.3 of this report, Council has since commenced a project to prepare an Affordable Housing Development Contributions Strategy to achieve the above objectives and actions in a transparent and effective way which will likely result in the need to undertake a planning scheme amendment process to embed the approach in the planning scheme.

7.3. Current Strategic Planning Projects

An overview of key strategic projects presently underway and nearing completion, which may have future implications for the planning scheme, key major projects are outlined below.

7.3.1. Review of Residential Height Planning Controls

Amendment C219morn (which seeks to implement Council's adopted Housing Strategy and Neighbourhood Character Study) originally proposed to remove several planning permit triggers or exemptions associated with dwelling heights and instead rely on default mandatory maximum controls in existing overlays or proposed NRZs. The intent of these changes was to reduce red tape to make it easier to deliver housing outcomes, given most residential areas where mandatory controls apply limit development to two storeys, and the difference between discretionary and mandatory height limits in these areas is often only 1 metre.

However, following exhibition of Amendment C219morn, Council resolved to retain these building height provisions in response to community and stakeholder concern that their removal would negate the ability to assess built form impacts on view lines, tree canopy lines and view sharing between dwellings. In doing so, Council committed to undertake a separate strategic review of these existing permit triggers based on the preparation of landscape assessments.

Consistent with this commitment, in 2023, Council commissioned the 'Review of Residential Height Planning Controls' project. This project seeks to ensure that future residential built form protects the distinctive and significant landscapes of the Mornington Peninsula, while appropriately managing reasonable view-sharing to valued landscapes and waterbodies. The project includes:

- landscape assessments to identify sensitive areas and key characteristics, and
- a review of existing residential planning provisions related to wall and building heights, slope, ridge and cut-and-fill within the planning scheme.

The project will include stakeholder engagement and community consultation and will deliver recommendations about whether any changes are required to modify, remove or improve planning controls. The project is expected to be completed by early 2026 for Council adoption, after which a planning scheme amendment will be prepared to implement the recommendations of the project, as required.

Recommendation:

- **Complete the Review of Residential Height Planning Controls project and prepare a planning scheme amendment to implement the recommendations of the project, as required.**

7.3.2. Affordable Housing Development Contributions Strategy

Council has a strong history of advocating for more affordable housing, having declared a Housing Crisis in October 2021 and developed several key policies and strategies focusing on advocacy, partnerships, regulation and investment to deliver affordable housing outcomes for the Peninsula. Key documents include the Council and Wellbeing Plan 2021-2025, Triple A Housing Plan 2020-2030, and the Social and Affordable Housing Policy 2020. Each of these documents identify the need to procure contributions from private development to help deliver more affordable housing via planning and development processes.

Council has therefore begun preparation of an 'Affordable Housing Development Contributions Strategy'. The purpose of the Strategy is to set out a transparent and effective approach for Council to secure affordable housing contributions via the planning system. The Strategy will focus on 'social housing' – being government subsidised housing and community rental housing. This is because Council has limited (if any) ability to influence outcomes for other forms of affordable housing (namely private market rentals and home ownership).

The Strategy will therefore:

- measure the need for housing assistance on the Peninsula based on current and projected demand
- recommend an approach to collecting contributions for affordable housing
- establish an affordable housing contribution rate and eligible developments, and

- identify and recommend potential implementation pathways to collect contributions via changes to the planning scheme based on an assessment of currently available tools within the VPPs.

The Strategy is due to be completed in 2024 and will require an amendment to the planning scheme to implement. The precise nature of the amendment is yet to be determined.

Recommendation:

- **Complete the Affordable Housing Development Contributions Strategy and prepare a planning scheme amendment to implement the recommendations of the Strategy.**

7.3.3. Activity Centres Strategy and Industrial Areas Strategy

The Activity Centres Strategy (Essential Economics 2018) and Industrial Areas Strategy (Essential Economics, 2018) were prepared and adopted by Council in tandem, just prior to adoption of the 2018 Review.

The Industrial Areas Strategy found that the availability of unoccupied industrial land on the Peninsula will decline from 25% in 2015 to 14% of existing supply by 2026, indicating that constraints on industrial land have become imminent and Council now needs to identify alternate supply options. The Strategy identifies several areas, including in Hastings, Somerville and Tyabb as potentially suitable for increased industrial supply, subject to detailed planning and analysis.

The Strategy also advocates planning for the provision of larger sites suited to a range of new businesses and more specialised activities, as the current trend towards fragmenting industrially-zoned land into small lot sizes – and into “factoryette” development – imposes definite limits on the range of uses that can be attracted to the Shire. It also recommends that Council strongly advocate the State Government to commit significant resources to review the SUZ1 land around the Port of Hastings.

The Activity Centres Strategy provides an assessment of retail and commercial floorspace demand and supply on the Peninsula, finding that the Shire has supply for approximately 105,00sqm of new shopfront and commercial floorspace up to 2036. The Strategy revisits the existing hierarchy of activity centres outlined in the planning scheme, reaffirming the supremacy of Mornington, Rosebud and Hastings as Major Activity Centres. The Strategy also supports the designation of all Large Townships and Convenience Centres, as well as most Small Townships and Local Centres. However, the Strategy recommends elevating Baxter and McCrae from Local Centres to Small Townships. Finally, the Strategy establishes a renewed set of objectives and actions for activity centres.

The key directions of both the Activity Centres Strategy and Industrial Areas Strategy are yet to be implemented in the planning scheme. Before such an amendment is progressed, a refresh of both strategies may be required given the passage of time and potential changes in economic trends and associated supply and demand of commercial and industrial land following the global COVID-19 pandemic.

Recommendation:

- **Consider the need to refresh Council's adopted Activity Centres Strategy and Industrial Areas Strategy before preparing an amendment to implement the key directions of each strategy into the planning scheme.**

7.4. Other Strategic Plans

7.4.1. Mornington Peninsula Integrated Transport Strategy

A new Integrated Transport Strategy is currently being prepared to provide for a more sustainable transport future for the Mornington Peninsula, incorporate actions from the Climate Change Emergency Strategy, and provide the strategic support to advocate to the State and Federal Governments for funding transport requirements. The Strategy is due to be finalised by 2025. Depending on the final form and content of the Strategy, a planning scheme amendment may be required to implement the key strategic directions into the PPF.

It is noted that Council is also currently in the process of updating its complimentary Pedestrian Access Strategy to help guide the future allocation of funds and to determine which footpaths receive priority, and when. The revised Strategy is due for completion in 2024. Whilst this Strategy will not have direct implications in terms of changes for the planning scheme, it will help support the accessibility of townships and in line with policy objectives of the scheme.

Recommendation:

- **Implement the recommendations of the Mornington Peninsula Integrated Transport Strategy (under preparation) in the planning scheme through revised local policies or provisions as required.**

7.4.2. Mornington Peninsula Open Space Strategy

Anticipated increases in population growth and changes in demographics, housing and tourism will place additional and new forms of pressure on open space provision, recreation facilities, embellishments, and the way that open space is used. A new Open Space Strategy is therefore currently being prepared to guide the future planning, provision, design and management of existing and future public open space for a 15-year period up until 2040.

The Strategy may make recommendations with respect to open space contributions and the need to amend the rates at the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision of the planning scheme. This provision enables the Shire to collect a percentage of the site value in either cash or land.

Once finalised and adopted, it is anticipated that any relevant recommendations will be implemented through a planning scheme amendment. This could include a change to the amount specified open space contributions for residential, industrial or commercial purposes.

The Strategy is expected to be delivered by mid-2025 for Council adoption.

Recommendation:

- **Implement the recommendations of the Mornington Peninsula Open Space Strategy (currently under preparation) in the planning scheme through revised local policies or provisions as required.**

7.4.3. Mornington Peninsula Economic Development & Tourism Strategy – A Thriving Peninsula 2033

Council has prepared a draft Mornington Peninsula Economic Development & Tourism Strategy – A Thriving Peninsula 2033 which seeks to guide the Shire’s economic development and tourism support activities in line with desired strategy outcomes:

- Business and industry growth
- Opportunities for education, employment and career pathways
- A vibrant tourism economy
- A greener business environment

The draft Strategy includes a specific action to “Facilitate the release of surplus port zoned land to meet the anticipated requirements of existing and emerging industries” which aligns with Council’s adopted Industrial Areas Strategy and Industrial Land and Rezoning Strategy and is a key ongoing advocacy action for Council.

Once finalised and adopted, Council should consider whether the key strategic directions of the Strategy as they relate to land use and development planning should be integrated into the planning scheme to:

- articulate the vision for prosperity to support economic development and tourism in a strategic manner
- ensure the regulatory/land use planning framework continues to support businesses and the community with a focus on protecting and enhancing natural environment, and

- support the provision of infrastructure and service provision in a well-informed, planned and coordinated manner.

The Strategy is expected to be delivered by mid-2024 for Council adoption.

Recommendation:

- **Prepare an amendment to the Planning Scheme to integrate the vision, objectives, and key directives of the Mornington Peninsula Economic Development & Tourism Strategy (currently under preparation), as required.**

7.4.4. Coastal Strategy – Our Coast Our Future

Council has commissioned the preparation of strategy – known as Our Coast Our Future – to provide a long-term planning to manage the coastal areas of the Shire and drive efficient and sustainable outcomes in the face of climate change. A multi-year project due to be finalised in 2026, the project will combine latest science, technical assessments and community aspirations to shape a strategic approach.

The project is being delivered with funding awarded through the State Government's Victoria's Resilient Coast grants program which is an initiative that aims to assist coastal land managers to deliver strategic coastal hazard risk management and adaptation.

Our Coast Our Future will include all coastal communities along the Peninsula, with a focus on exploring community values, coastal processes and coastal hazards at a more localised scale.

The outcomes of this work allow Council to better understand the region's coastal hazards and possible implications for our local communities, now and into the future. With improved understanding of hazards and potential at-risk areas along our coastline, we can work to identify different ways to manage these locations through adaptation.

Our Coast Our Future will include the development of a Coastal Strategy to guide adaptation planning and its implementation. The coastal hazards to be assessed will include erosion (sand loss) and inundation (flooding) using a range of existing coastal models, data sets and studies to estimate coastal hazards for the region. The work will help identify areas along the Peninsula potentially impacted by different coastal hazard types for a range of current and future conditions (including sea level rise). The Strategy will then assess the values, uses and infrastructure within these hazard areas and consider the implications to inform the development of possible management responses.

Upon completion, it is likely that a planning scheme amendment will be required to implement the key directions, findings and recommendations of the Strategy, including changes to local policy and provisions.

Recommendation:

- **Prepare an amendment to the Planning Scheme to integrate the key directions, findings and recommendations of Our Coast Our Future (currently under preparation), as required.**

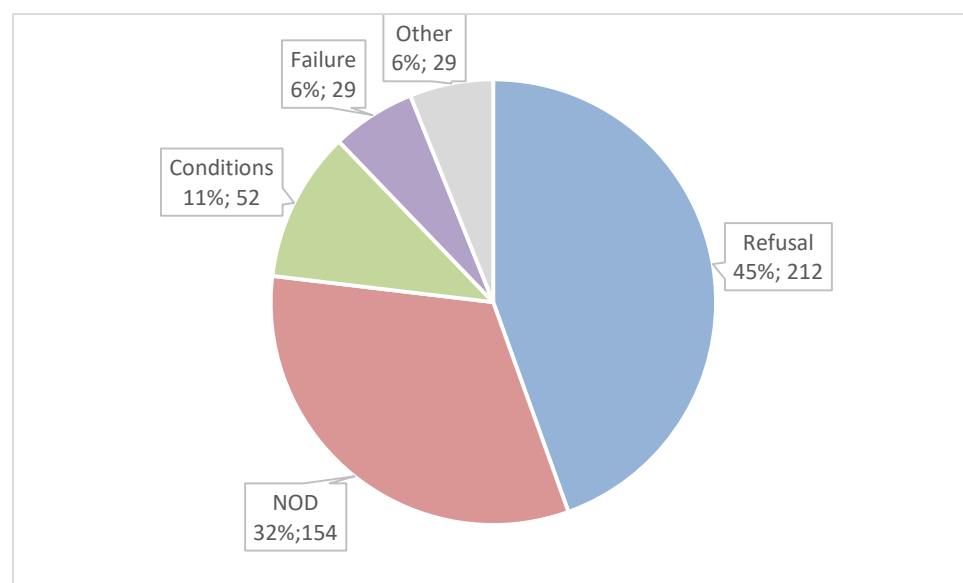
8. Planning Scheme performance

An important part of any planning scheme review is to analyse the outcomes of planning permit decisions made by the Victorian Civil and Administrative Tribunal (VCAT), as well as planning scheme amendment recommendations made by Planning Panel Victoria (PPV). Lessons learnt from these appeals and panel hearings have been considered as part of this review.

8.1. VCAT Decisions

Over the period from July 2019 to April 2023, approximately 476 appeals were lodged pertaining to planning permits issued under the planning scheme. This is a significant increase from the period considered under the previous 2018 Review, where 238 appeals were heard before the Tribunal. Figure 6 shows the type and quantity of appeals made.

Figure 6: Quantity and type of appeals to Tribunal, July 2019 – April 2023



Data source: internal Shire planning permit appeals data

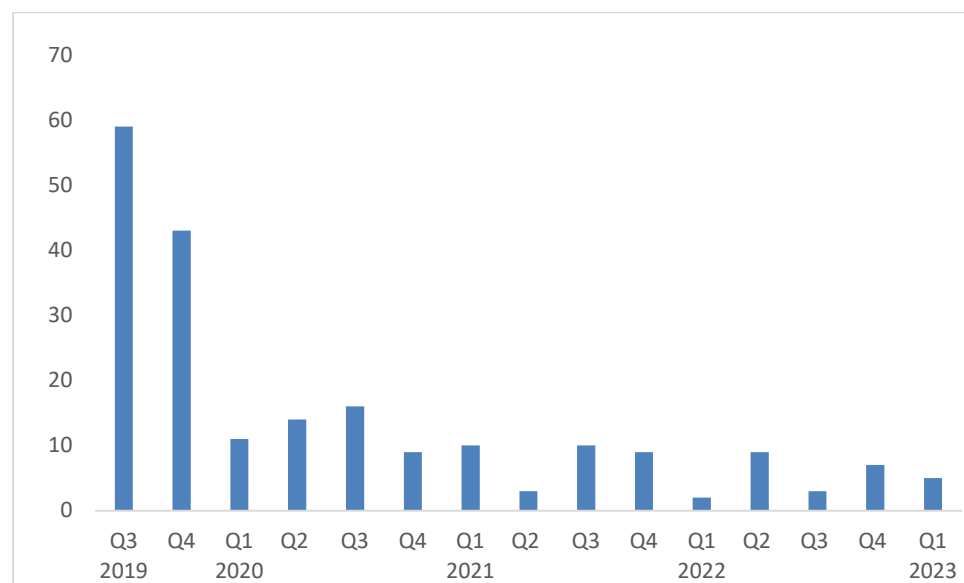
Appeals against refusals (s.77) were the most common type of appeal, at 45%. This is a reasonable increase compared with the 31% of appeals made under s.77 in the period between 2014 and 2018 considered under the previous 2018 Review.

The overall increase in appeals, and in particular, the increase in appeals against refusals compared with the 2018 Review period is largely attributed to Council's attempt to use the Mornington Peninsula Housing and Settlement Strategy (December 2017) (the HSS) as a definitive decision-making tool in the latter part of

2019 and early 2020, before it was formally integrated into the planning scheme by Amendment C219morn.

Figure 7 shows the dramatic decrease in appeals against refusals after 2020, following repeated Tribunal outcomes that set aside refusal decisions based on these strategies, and the subsequent shift in decision making away from refusing planning applications based on the HSS. In total, 102 appeals were made against refusals in the second half of 2019 alone, while over the three years that followed, only 103 appeals against refusals were made. For further discussion of this trend refer to section 8.1.1 below (*Hefferman V Mornington Peninsula SC (2020)*).

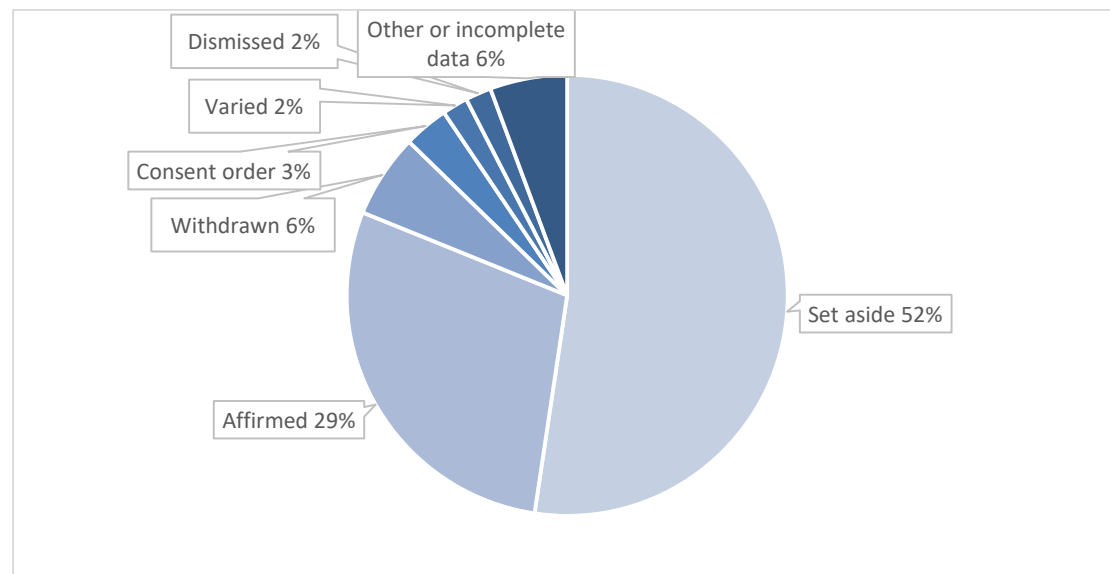
Figure 7: Appeals against refusals by quarter, Q3 2019 to Q1 2023



Data source: internal Shire planning permit appeals data

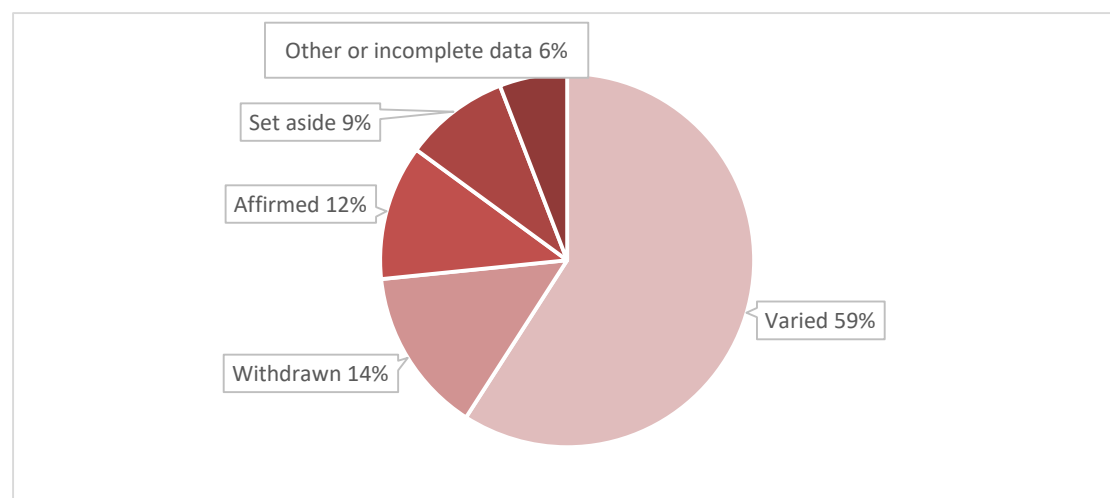
Figures 8 and 9 present the outcome types of the two most common types of appeals.

Figure 8: Outcome of appeals against refusals, July 2019 – April 2023



Data source: internal Shire planning permit appeals data

Figure 9: Outcome of appeals against notices of decision to grant a permit, July 2019 – April 2023



Data source: internal Shire planning permit appeals data

These two figures demonstrate the Tribunals' tendency to resolve cases in favour of development. The majority (52%) of appeals against refusals resulted in the Council's refusal decision being set aside. Only 29% of refusals were affirmed.

Correspondingly, where the Shire issued a notice of decision (to grant a permit) and an appeal was lodged by an objector, the Tribunal sought to direct Council to issue a permit (including a high portion of varied permits) on 71% of occasions. Both datapoints have not significantly changed since the previous 2018 Review.

The following sections of this report highlight some of the key VCAT decisions that have implications for the planning scheme.

8.1.1. Hefferman v Mornington Peninsula SC (2020) VCAT 427

On 1 April 2020, following a hearing in February, the Tribunal made an order to set aside Council's decision to refuse to grant a permit for the construction of two side-by-side dwellings and associated two-lot subdivision in McCrae. The primary reason that for the Shire's refusal was concern that the proposal was inconsistent with the adopted Mornington Peninsula Housing and Settlement Strategy (December 2017), and relatedly, also inconsistent with the neighbourhood character of the area. This case was a typical example of many appeals made to the Tribunal against similar refusals that also relied heavily on this strategy throughout 2019.

For this site, the implementation of the strategy via a planning scheme amendment would have seen a minimum lot size requirement of 450sqm, with the land being rezoned from GRZ1 to NRZ2. The site in question was therefore shy of the size required for two lot subdivision, totalling just over 700sqm, with each proposed lot at 351sqm.

While the specifics of the application in question are largely unremarkable, it was the Member's recital of a previous decision in August 2019 (*Hiam V Mornington Peninsula SC (2019)*) that reinforced the inefficacy of the Housing and Settlement Strategy to justifiably inform statutory planning decisions.

At this point in time in early 2020, while a request for authorisation to prepare a planning scheme amendment to implement this strategy had been made two years prior, no such authorisation had been granted by the Minister. In recalling the previous Hiam case, the member recited:

"In the past 12 months, there have been a number of reviews for residential developments refused by the Mornington Peninsula Shire Council where one of the grounds is a proposal's non-compliance with the Mornington Localised Planning Statement and Mornington's Housing and Settlement Strategy... To date, no authorisation has been given to commence the formal process of amendment. In other words, this amendment has no statutory status, and can be given only limited weight in the determination of the proposal"

Reflecting on this reasoning from *Hiam*, the member agreed and added:

"The Minister has not yet made a decision on the request for authorisation and exhibition of the amendment has not occurred. Even if it had, the amendment would still be a long way from reaching the status of a seriously entertained planning proposal."

This decision marked a turning point in dealing with applications that were nominally inconsistent with the Housing and Settlement Strategy. As demonstrated in Figure 7 above, following many Shire decisions that relied on this strategy being set aside, for the remainder of 2020 and beyond, the Shire no longer sought to refuse applications that were inconsistent. The number of appeals against refusals also dropped to regular levels.

Recommendation:

- **Continue to pursue approval of Amendment C219morn to implement the findings of the Housing and Settlement Strategy: Refresh 2020-2036 and Neighbourhood Character Study & Guidelines into the planning scheme.**

8.1.2. AA Holdings Pty Ltd v Mornington Peninsula SC (2021) VCAT 1441 Service station and convenience restaurant

In November 2021, VCAT affirmed the Shire's decision to refuse an application for the use and development of a Service station and Convenience restaurant at 1 and 2 Marine Drive and 5 Nepean Highway, Safety Beach. The site is in the GRZ.

The Shire refused the application on several grounds, most relevantly, that it was to be an expansion of out-of-centre commercial use and therefore inconsistent with Clause 22.12 (Non-residential uses in residential zones). However, VCAT's decision to affirm the refusal was predominantly based on issues pertaining to unmet traffic and circulation objectives and discounted the Shire's other concerns.

On 22 July 2021, two days after the VCAT hearing concluded, notice of approval of Amendment C279morn to the Scheme was published in the Victoria Government Gazette. This Amendment, prepared by the Minister for Planning as the Planning Authority, was intended to be a policy neutral translation of the Local Planning Policy Framework (including Clause 22.12) into new local policies across Clauses 11-19. Exemptions were granted so that the Minister was not required to give public notice of the Amendment.

The approval of the Amendment affected VCAT's decision, and in their decision, made the following observations:

"[T]here is now a distinct and noticeable reduction in the policy guidance provided by the [Scheme] regarding the extent to which certain land uses might be discouraged outside of a defined commercial precinct and activity centre. This change to the policy framework is not subtle and is not neutral."

"...a service station or a convenience restaurant is no longer 'strongly discouraged' on the subject land"

This observation is based on Amendment C279morn's replacement of previous wording at Clause 22.12 that sought to 'strongly discourage' free standing out-of-centre service stations and food and drink premises [emphasis added], with 'avoid' such types of out-of-centre development within the new local policy at 11.03-1L (Activity centres – Mornington Peninsula). At the time, Shire officers were advised by the Department that the deletion of '*strongly discourage*' complied with the Department's Planning Policy Framework translation rules which required the

removal of any local policy content that duplicates existing and applicable State policy – in this case, content at Clause 17.02-2S (Out-of-centre development).

Nonetheless, as this VCAT case demonstrates, consideration should be given to strengthening local policy against out-of-centre development to ensure Council's intended policy outcome is achieved. Strengthening of this policy could potentially be achieved via future Amendment C273morn which aims to implement Council's adopted Activity Centres Strategy (2018).

Recommendation:

- **Consider the need to strengthen local policy against out-of-centre development as part of future Amendment C273morn to implement Council's adopted Activity Centres Strategy (2018).**

8.1.3. Ryman Healthcare (Australia) Pty Ltd v Mornington Peninsula SC (2021) VCAT 1495

In December 2022, VCAT considered an application for Ryman Healthcare to use and develop the land at 60-70 Kunyung Road, Mount Eliza for a Residential aged care facility and Retirement village in association with a Place of worship, following the Shire's refusal. In its deliberation, VCAT noted that:

"Although the Shire's 'foreshores and coastal areas policy' expressly discouraged linear development of coastal land, this policy applied at the time of the previous decision but has since been repealed. There is now no specific coastal policy but there are some references to coastal protection in 'environmental and landscape values' policy."

Notably, the former policy included at Clause 21.08 (Foreshore and coastal areas) the strategy to:

"Contain development in coastal locations to existing settlements, avoiding further linear development along the coast and, where necessary, restructure old and inappropriate subdivisions."

As with the previous VCAT case discussed above, this change of policy resulted from the PPF translation (Amendment C279morn) whereby the previous policy was deemed to be a duplication of Clause 11.03-4S Coastal settlement:

"Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes".

Again, a possible strengthening of local policy should be considered to rectify this issue and could potentially be achieved through a future planning scheme amendment to implement the Shire's Coastal Strategy once complete.

Recommendation:

- **Prepare an amendment to the Planning Scheme to integrate the key directions, findings and recommendations of Our Coast Our Future (currently under preparation), as required and consider the need to strengthen local policy to expressly discourage linear development of coastal land.**

8.1.4. Proctor v Mornington Peninsula SC (2020) VCAT 312 and Proctor v Mornington Peninsula SC (2023) VCAT 251

These two similar appeals (on the same land) both considered the development of a dwelling associated with an agricultural use (horse husbandry) in the Coolart Rising estate in Tuerong. The key issues considered were the fragmentation of agricultural land (including surrounding land) and subsequently the authenticity of the proposed agricultural component of the application.

In the first instance, Council's decision to issue a permit for the development of the dwelling was overturned. The member noted, within the context of protecting the Shire's valued and scarce agricultural land, that:

“At some point the cycle of land fragmentation which has been allowed to go on for so long, and with respect has been fuelled by numerous planning decisions over many years, needs to be broken. There are currently planning controls and a policy framework in place which would allow the cycle of fragmentation that has occurred in this locality to stop. What is needed is decision making that is prepared to implement this planning framework, despite the extent to which this locality already has the hallmarks of a rural residential area....

In the second appeal, the agricultural component intensified fourfold, and Council's decision to grant a permit was upheld. The member was persuaded by detailed expert evidence outlining a farm management plan (lacking in the first appeal), which more thoroughly established the sustainability of authenticity of the proposed agricultural operation.

These cases demonstrate a relatively conservative and cautious approach from the Tribunal about potential impacts of a single dwelling on Green Wedge land which contrasts to the next case below where the Tribunal was less concerned about the impacts of a much more substantive development proposal.

8.1.5. Japara Property Holdings Pty Ltd v Mornington Peninsula SC (2022) VCAT 1036

This appeal considered a significant expansion of an existing, nursing home (a now prohibited use) in the Green Wedge Zone. In granting a permit the member noted:

Although alleged by several parties, we are not persuaded that the contended detrimental effects to the green wedge in terms of biodiversity, loss of agriculture or the prevention of other non-urban uses will result, and nor does the evidence before us bear out such assertions. Rather, we consider it more likely that the additional buildings and works on the Land will have a relatively benign impact on those matters, having regard to the existing use of the land.

The Tribunal's acceptance of this more substantial development in the Green Wedge contrasts with the previous case whereby a much smaller and less intense development was initially opposed by the Tribunal. The incongruence between these decisions highlights the need for reform to Green Wedge policy and provisions at the State level to protect the Green Wedge from inappropriate development – as is already recognised and being contemplated by the Victorian Government and advocated for by Council.

Recommendation:

- **Continue to advocate to the Minister for Planning for strong controls to protect the Green Wedge.**
- **Seek to undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes.**

8.1.6. Ibal v Mornington Peninsula SC (2023) VCAT 648

This case considered the Shire's refusal to grant a permit to develop two extra dwellings in the rear yard of an existing dwelling (to be retained) on a corner lot on Eastbourne Road, Rosebud. The member overturned the Shire's decision in an order dated 8 June 2023.

The Shire's refusal was primarily on neighbourhood character grounds. It submitted that the two new dwellings would visually clash with the style of the existing dwelling resulting in an "imbalanced development". It also submitted that the proposed dwellings contained unreasonably bulky roof-forms, and that the design had limited capacity for an adequate landscaping response.

This site is zoned GRZ1 and does not contain any overlays. As such, it does not benefit from the added emphasis placed on neighbourhood character by the various, widely applied DDO schedules within the planning scheme. When deciding on this application, with regards to neighbourhood character, the relevant policies across the MPS and PPF and the relevant requirements of Clause 55 must be considered, as well as relevant objectives contained in the zone.

However, when delivering their decision, the member highlighted that schedule 1 to the GRZ is 'silent' on neighbourhood character. That is, the schedule does not specify any neighbourhood character objectives. Therefore, for this site, beyond the MPS and PPF, the only consideration of neighbourhood character is the single line in

the parent provision of the GRZ outlining one of the purposes of the zone to be “To encourage development that respects the neighbourhood character of the area”.

On balance, the lack of specificity on neighbourhood character for this particular site allows the member to let their decision on the appeal turn on the Clause 55 assessment. Because the application is largely compliant with the requirements of Clause 55, it was determined that a permit should be granted.

It is also noted that given that Amendment C219morn was still yet to be a “seriously entertained planning proposal” at the stage of the decision of this appeal (because the amendment was not yet adopted by Council), Council conceded that the proposed changes under Amendment C219morn should be given little weight, to which the member agreed. As exhibited, the implementation of Amendment C219morn would rezone this site NRZ3 (Garden Residential 2), which would include five distinct neighbourhood character objectives.

This case therefore demonstrates the need to continue to progress Amendment C219morn in order to ensure that areas currently zoned GRZ1 with no applicable DDOs are developed with sufficient regard to neighbourhood character.

Recommendation:

- **Continue to pursue approval of Amendment C219morn to implement the recommendations of the Housing Settlement Strategy and Neighbourhood Character Strategy including the revision of various Schedules to the Design and Development Overlay.**

8.1.7. Aoun v Mornington Peninsula SC (2023) VCAT 20

In this case, the permit applicant sought to develop second storey dwelling additions that in Council’s opinion would detract from the (view of the) landscape of Arthurs Seat, among other site-specific issues. Council’s decision to refuse the application was set aside by the tribunal, with the member noting:

“I find it is also significant that the views defined by the council as important in this section of Arthurs Seat Road, are not defined in the Scheme. This is important from a policy perspective, as longer distance views and viewing points are often expressed and identified by local policy. This is not the case here. I find the views in question are fleeting glimpses of longer distance views and are not adversely impacted by the extended upper level built form of the proposal on the review site.”

While the latter commentary provided here is site specific, the broader implication of this statement - that ‘important’ views of Arthurs Seat are not defined in the scheme - is notable. A very similar observation was also made in the Panel Report for Amendment C224 (refer section 8.2 of this review) whereby the Panel suggested that

the protection of views to Arthurs seat (or to other natural assets) may benefit from reviewing the wording and intent of local policy on this matter.

The Shire's interpretation of the planning scheme is that long-range views of significant natural assets are sought to be protected, and while the existing ordinance may be capable of protecting such viewlines in some instances, new specific policy on the matter could greatly strengthen the preservation of such views. This strategic work is currently underway as part of the Review of Residential Height Planning Controls.

Recommendation:

- **Undertake a planning scheme amendment to implement the Review of Residential Height Planning Controls project and prepare a planning scheme amendment to implement the recommendations as required (including MPS and policies).**

8.2. Planning Panel Victoria Recommendations

Since the 2018 Review, eighteen (18) separate planning scheme amendments were referred to an Independent Panel for review. The amendments to which the Panel identified areas requiring further strategic work are outlined below.

8.2.1. Amendment C190morn (Hastings Town Centre Structure Plan) and Amendment C206morn (Rosebud Activity Centre Structure Plan)

Amendments C190morn and C206morn applied built form controls to implement the Structure Plans. The Panel did not support proposed additional mandatory height or setback controls in either centre (apart from a small area of land north of Point Nepean Road in Rosebud) citing a lack of comprehensive and rigorous strategic justification (such as detailed views analysis or modelling). The Panel noted that mandatory controls were also not foreshadowed in the respective adopted structure plans for either centre.

The Panel did, however, note that mandatory controls could be justified in areas where views to Arthurs Seat from key vantage points could be obstructed, but only with the necessary evidence-base to support the provisions.

The Panel also recommended that consideration should be given to rezoning major activity centres to the Activity Centre Zone when reviewing structure plans in the future.

8.2.2. Amendment C224morn (Dromana Township Plan)

Amendment C224morn applied built form controls to implement the objectives of the Dromana Township Project Report including a mix of discretionary and mandatory controls.

Significantly, the Panel supported the inclusion of mandatory height limits, noting that it was satisfied that Council had adequately proven sufficient strategic justification through extensive views analysis and modelling from key view points in the public realm of Dromana which demonstrated the impact of built form height on views to Arthurs Seat and the coastal character and scale of the activity centre.

The Panel also noted that if development in the commercial core of the Dromana township then a car parking study should be completed to inform any future variations to car parking provisions.

8.2.3. Amendment C271morn (Westernport Coastal Villages & Surrounding Settlements Strategy)

Amendment C271morn proposes to implement the key strategic directives of the Western Port Coastal Villages and Surrounding Settlements Strategy relating to township character and coastal hazards (erosion and inundation) caused by predicted sea level rise. The amendment includes a risk-based approach to hazards, proposing to introduce a requirement for applicants to provide a Coastal Hazard Vulnerability Assessment (CVHA) to demonstrate how development proposals can safely proceed.

The Panel supported the amendment (subject to changes) noting that the amendment was strategically justified with clear policy support, and that the right planning tools had been proposed.

The Panel recommended that Council develop guidance material for applicants to clarify the purpose, methodology and outcome intended for CVHAs. The Shire is currently preparing guidelines with the assistance of appropriate experts in coastal engineering and geomorphology.

Finally, the Panel noted that the process for the removal of exotic vegetation species from foreshore locations could be investigated further to reduce unnecessary red tape. This could be captured as part of the future amendment to implement Council's adopted Biodiversity Conservation Plan.

8.2.4. Amendment C219morn (Housing and Settlement Strategy Refresh and Neighbourhood Character Study & Guidelines)

As previously discussed, Amendment C219morn is a major amendment proposing to implement Council's adopted Housing and Settlement Strategy: Refresh 2020-2036 (Mornington Peninsula Shire, 2020) and Neighbourhood Character Study and Guidelines (Ethos Urban, 2019) by making substantial changes to zones, overlays and policies affecting the Shire's residential areas.

The Panel found that the amendment is broadly strategically justified and should proceed, subject to some changes and further work. Importantly, the Panel recommended that the Shire carry out further work to demonstrate that the amendment will provide for a 15-years housing supply, or alternatively explain why 15-year supply should not be required to be provided due to the application of other planning policy of greater strategic importance. The Shire is currently undertaking this work with the assistance of expert consultants.

The Panel also recommended that a detailed review of the Low Density Residential Zone be undertaken to investigate the potential for LDRZ areas to accommodate a higher level of housing growth without compromising the landscape or character of these areas.

Recommendation:

- **Continue to monitor the interpretation and application of local planning policy by the Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels to ensure the objectives of the Mornington Planning Scheme are achieved.**

8.3. Identified anomalies

Several errors and outdated information in the planning scheme have been identified as part of this review. These include but are not limited to:

- Incorrect formatting of sub-clause headings in Design and Development Overlays
- Zoning anomalies
- Heritage Overlay mapping corrections
- Removal of redundant Development Plan Overlays

It is proposed that an anomalies amendment will be prepared to make these administrative corrections as part of the ongoing maintenance of the planning scheme. Aside from administrative corrections, a future amendment would provide the opportunity for the community and/or affected parties to make a submission through the planning scheme public exhibition process.

Recommendation:

- **Continue to maintain the planning scheme by making administrative corrections and updates as required.**

8.4. Community satisfaction

The Local Government Community Satisfaction Survey is conducted annually by the Department of Government Services on behalf of all Victorian Councils. The survey tests community satisfaction levels across core performance measures including customer service, advocacy and overall performance, as well as responsibility areas including recreational facilities, waste management and roads.

Mornington Peninsula Shire is classed as an Interface Council. The average for other councils in this category is also shown.

Community Satisfaction Rates for planning for the last four years are included in Table 1 and show that the Mornington Peninsula Shire Council is on par with the interface averages for general town planning performance and planning and building permits performance. The decline from previous years is in-line with State-wide patterns where perceptions of performance have declined.

Table 1: Community Satisfaction Rates for Planning (Source: 2023 Local Government Community Satisfaction Survey)

Indicator	Area	2023	2022	2021	2020
General town planning performance	Mornington Peninsula Shire	44	48	50	48
	Average Interface	45	53	53	52
	Average State-wide	50	54	55	54

Indicator	Area	2023	2022	2021	2020
Planning and building permits performance	Mornington Peninsula Shire	38	41	45	43
	Average Interface	38	50	52	51
	Average State-wide	47	50	51	51

The *Planning and Environment Act 1987* does not prescribe any formal consultation processes for the performance review of the Mornington Peninsula Planning Scheme. Extensive community consultation has occurred as part of the many strategic projects undertaken by Council during the inter-review period, including Amendment C219morn, Amendment C271morn, the Heritage Review (for the Stages undertaken to date) and various associated planning scheme amendments. Significant community feedback was also obtained during the preparation of the Council and Wellbeing Plan 2021-2025.

Such broad-reaching consultation has informed Council's understanding of community concerns and aspirations regarding land use and development issues facing the Shire both now and into the future.

8.5. Consultation

Given the volume of community consultation undertaken to inform Council's key strategic plans and policies in the inter-review period, it was deemed appropriate to undertake targeted consultation with key Council staff. The findings of this engagement help refine the key issues that Council needs to address and prioritise further strategic work.

8.5.1. Council planners and internal staff consultation

To gain insight into how the Mornington Peninsula Planning Scheme is performing and identify areas for improvement, two surveys considering the effectiveness of the Planning Scheme were devised for internal Shire staff. The first survey was developed for regular users of the Planning Scheme and contained 15 questions, while the second survey was devised for occasional users of the Scheme and contained eight more generalised questions.

Teams responding to the first, detailed survey included:

- All statutory planning teams
- Strategic planning team
- Planning compliance team
- The VCAT Coordinator

Teams responding to the second, general survey included:

- Water and Coasts
- Development engineering
- Community Wellbeing
- Community Inclusion
- Traffic and Transport
- Climate Change and Sustainability

The surveys were conducted verbally across team meetings in the months of April and May 2023. Specific attention was given to identifying deficiencies, strategic gaps, redundant content, unnecessary duplication with State policy, errors or anomalies, as well as lessons from Tribunal and Panel experiences.

8.5.2. Referral agencies

Feedback on the operation of the Mornington Peninsula Planning Scheme was sought from the following agencies in March 2023:

- APA Group Limited (formerly Australian Pipeline Limited)
- Country Fire Authority
- Department of Energy, Environment and Climate Action
- Department of Transport and Planning (both Transport and Planning divisions)
- Environment Protection Authority (Southern Metro)
- Heritage Victoria
- Melbourne Water
- Parks Victoria
- Port of Hastings Corporation
- South East Water
- United Energy
- Victoria Police
- Victorian Marine and Coastal Council
- VicTrack

Confirmation of receipt of the feedback request was received from many agencies however no specific feedback on the Scheme was received.

8.5.3. Registered Aboriginal Parties

The Mornington Peninsula Shire Council sits across the lands and waters of the formally recognised Traditional Owner group – Boon Wurrung / Bunurong people. The Mornington Peninsula Planning Scheme recognises the Traditional Owners. The Victorian Aboriginal Heritage Act (2006) recognises Traditional Owners as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. At a local level, Registered Aboriginal Parties are the voice of Aboriginal people in the management and protection of Aboriginal cultural heritage in Victoria.

The Bunurong Land Council is yet to prepare a Country Plan. Guidance about Country or places of significance and land use planning will need to be considered including any necessary changes to the Mornington Peninsula Planning Scheme once a Country Plan is finalised.

9. Key issues and Further Strategic Work

Based on the analysis provided in this review, the tables below provides a thematic summary of some of the key land use and development issues facing the Shire, noting the status of strategic planning work that has recently been carried out, is underway, or is scheduled to commence to address these issues.

1. Climate change and associated risk

Issue	Status	Recommendation
Sea level rise and coastal inundation and erosion	Amendment C271morn, seeks to implement the strategic directives of the Western Port Coastal Villages and Surrounding Strategy to address the risk of sea-level rise across Westernport, is awaiting Ministerial approval. The Port Philip Bay Coastal Hazard Risk Assessment has recently been completed and will inform a similar amendment that addresses inundation risk along the Peninsula's Port Philip coastline. The preparation of a Shire-wide Coastal Strategy is also underway.	Continue to advocate for approval of Amendment C271morn. Continue to advocate for a State-led approach to sea level rise hazards, including the Ministerial application of planning controls to address erosion and inundation hazards based on State Government produced regional hazard assessments (including the PPBCHA). Upon finalisation of the Shire's Coastal Strategy, update the planning scheme as required.
Inland flooding	Flood prone mapping of the Shire's catchments is currently underway in partnership with Melbourne Water and due to be completed by the end of 2024.	In partnership with Melbourne Water, investigate the application of the Special Building Overlay (SBO) for Council & Melbourne Water catchments across the Peninsula to ensure local overland flooding risk is appropriately captured and managed by the planning scheme.
Increased bushfire risk	A Shire-wide Bushfire Hazard Assessment been completed and adopted by Council. Based on the recommendations of this assessment, the Shire has lodged a request with the State	Continue to advocate for the State Government to review and revise existing bushfire planning provisions (including as-of-right vegetation removal exemptions) to minimise

Issue	Status	Recommendation
	Government to review BMO and BPA mapping in Sorrento and Portsea.	unnecessary vegetation loss on private land within the Shire

2. Other environmental issues

Issue	Status	Recommendation
Landslip susceptibility and outdated Erosion Management Overlay mapping	Strategic work is required to undertake a comprehensive review and update of the Shire's inland landslip susceptibility data and modelling. Following this review, an update of the ordinance and mapping of the Environmental Management Overlays will likely be required. This work is yet to be funded, resourced and programmed.	Complete the comprehensive review and update of the Shire's landslip susceptibility data and modelling and update the ordinance and mapping of the Environmental Management Overlays.
Threats to biodiversity and the need for better biodiversity protection	In accordance with the recommendations of Council's adopted Biodiversity Conservation Plan (2019), the Shire is soon to commence a review of all environmental overlays (i.e. ESO, SLO and VPO) to determine whether any changes are required to better protect biodiversity on the Peninsula. The BCP also identifies the need to better address environmental weed invasion on the Peninsula which is recognised as one of the greatest threats to terrestrial ecosystems and biodiversity. Weed management could be improved in the planning scheme by introducing permit exemptions for the removal of species identified within a 'Schedule of Environmental Weeds' at Clause 52.17 (Native vegetation). Currently, the Weed Schedule to Clause 52.17 only refers to one species (Sweet Pittosporum)	Comprehensively review all environmental overlays (ESOs, SLOs and VPOs) and prepare a planning scheme amendment to implement any recommended changes to better protect biodiversity, including the introduction of more permit exemptions for the removal of invasive weed species.

Issue	Status	Recommendation
	whereas the Shire's Noxious & Environmental Weed & Plant Pathogen's Guide (2016) lists approximately 75 different weed species. With at least 38 schedules across the ESO, SLO and VPO containing permit triggers to remove vegetation; this means substantial efficiencies could be gained to reduce red tape in the removal of pest species if more exemptions were provided for a greater array of noxious weeds.	
Protection of Westernport biosphere and other wetlands	The Biodiversity Conservation Plan, and its incorporation into the planning scheme are expected to assist in the protection of the Westernport biosphere. Amendment C227morn introduced a ESO to the extensive Tootgarook Wetlands, following the development of the Tootgarook Wetland Management Plan (2018). Amendment C241morn is currently underway to apply an ESO to the Balcombe Estuary and associated reserves, rezone land currently within residential zones to reflect public ownership and conservation and recreation values and delete redundant planning provisions. The amendment is based on recommendations from Council's adopted Balcombe Estuary and associated reserves: Ecological and Planning Study (Biosis, 2022).	Complete Amendment C241morn to implement Council's adopted Balcombe Estuary and associated reserves: Ecological and Planning Study (Biosis, 2022).
Best practice Environmentally Sustainable	In November 2023, Planning Scheme Amendment C232morn introduced a local planning policy	Continue to advocate for Ministerial authorisation of Amendment C246morn and

Issue	Status	Recommendation
Design to respond to the climate emergency	to improve ESD outcomes in new development based on a range of application types. The policy aligns with the 'status quo' of other ESD policies across the State. The State Government has committed to introducing improved ESD policy and controls for buildings and subdivisions as part of its ESD Roadmap. Whilst the State Government has made changes to the State policy framework within all planning schemes across Victoria, it is yet to release stage two of the roadmap which is intended to be revised and new planning standards and/or particular provisions for all planning schemes. As at the time of finalising this report, Stage 2 remains outstanding. In the meantime, Council has resolved to seek Ministerial approval for Amendment C246morn which seeks to elevate ESD targets to achieve carbon neutral development along with 24 other participating CASBE councils. The amendment is currently awaiting authorisation from the Minister for Planning.	the release of additional improvements to ESD provisions as part of the State Government's ESD Roadmap.

3. Protection of Green Wedge values from developmental pressure

Issue	Status	Recommendation
Threats to the viability of existing agricultural uses	As noted in this report, Council is continuing to advocate to the State Government to make changes to Green Wedge provisions to address these issues.	Review the need to prepare a planning scheme amendment to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth
Development of		

Issue	Status	Recommendation
dwelling with limited contribution to agriculture or environmental outcomes Impact of built form on scenic landscapes within the Green Wedge Inconsistent application and understanding of Green Wedge objectives across Council and the Victorian Civil and Administrative Tribunal (the Tribunal), particularly with regards to the type of use and scale of development		Boundary' local policies following release of State Government reforms to Green Wedge planning policy and controls. Seek to undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes.

4. Housing

Issue	Status	Recommendation
Housing supply	Council adopted the Housing and Settlement Refresh which aims to ensure sufficient housing supply while directing housing growth to appropriate locations close to services, employment and infrastructure and away from environmental hazards. The Strategy is being implemented by Amendment	Complete Amendment C219morn to integrate the directions of Council's Housing and Settlement Strategy into the planning scheme following additional work to prove the amendment delivers a 15-year housing supply. Determine the need to undertake a strategic review of

Issue	Status	Recommendation
	C219morn. The Planning Panel for Amendment C219morn recommended that further strategic work be carried out to ensure the amendment delivers a 15-year housing supply. This work is currently being completed. The Panel also recommended that Council undertake further work at a later date to investigate the potential for LDRZ areas to accommodate a higher level of housing growth without compromising the landscape or character of these areas. A review of the Mornington North Outline Development Plan and associated local policy within the planning scheme is also required given the Housing and Settlement Strategy Refresh identified LDRZ precincts within the area should be investigated for potential further housing supply subject to detailed analysis and planning.	the LDRZ, including a review of the Mornington North Outline Development Plan and associated local policy.
Lack of social and affordable housing	Strategic work has commenced to prepare an Affordable Housing Development Contributions Plan Strategy to increase the supply of affordable housing on the Peninsula via the planning system. A Planning Scheme Amendment will be required to implement the final recommendations of the Strategy once completed.	Once the Affordable Housing Development Contributions Strategy is complete, undertake a planning scheme amendment to implement the findings and recommendations of the Strategy.

Issue	Status	Recommendation
	Amendment VC253 introduced Small secondary dwellings (SSDs) into all planning schemes and made them largely exempt from requiring a planning permit. As this amendment was only recently introduced, it remains unclear what the rate of SSD development will be on the Peninsula, and whether these new forms of accommodation will be used to meet genuine housing need or will be largely used for short-stay accommodation purposes given the Shire's strong tourism market.	

5. Character, built form and design issues

Issue	Status	Recommendation
Lack of design controls for some townships and commercial areas, outdated structure plans, certainty in activity centre boundaries and preventing out-of-centre development	Structure or township plans have been completed for several of the Peninsula's towns since the previous Planning Scheme Review. Their implementation within the planning scheme has involved the application of design controls to manage township character. Examples include Baxter and Somerville (C269morn), Dromana (C224morn), Rye (C275morn), as well as the small townships across Westernport captured within Western Port Coastal Villages Strategy (C271morn). Several other small townships, local centres and convenience centres on the Port Phillip Bay side of the Mornington Peninsula lack specific design controls to guide their future development.	Prepare Urban Design Assessments of all small townships, local centres and convenience centres on the Port Phillip Bay side of the Mornington Peninsula (without specific built form controls) and prepare a planning scheme amendment to update local policies or provisions as required. Prepare township plans for the remaining large townships, namely Mount Eliza and Bentons Square. Review the Mornington Activity Centre Structure Plan and prepare a planning scheme amendment to incorporate the revised Structure plan including changes to local policy or provisions, as required.

Issue	Status	Recommendation
	In terms of township plans, two large townships, Mount Eliza and Bentons Square do not currently have township plans. Mornington is one of the Shire's three main Major Activity Centres (MACs). While structure planning and associated amendments have recently been completed for Rosebud and Hastings (the Shire's remaining two MACs) the current structure plan for Mornington is significantly dated having been adopted in 2007. As the Mornington MAC will continue to be the focus of growth over time, the existing structure plan needs to be reviewed to ensure the centre continues to meet community need. . The vision, objectives, and key strategic directions of Council's adopted Activity Centres Strategy (2018) is yet to be integrated into the planning scheme – along with the revised activity centre hierarchy recommended by the Strategy. As the Strategy is now 5 years old, a refresh will likely be required before an amendment is undertaken. As part of this amendment, a review of local policy should be completed to ensure the boundaries of all activity centres aligned with adopted structure or township plans.	Refresh Council's adopted Activity Centres Strategy and undertake an amendment to implement the findings and recommendations, including confirming the activity centre hierarchy and activity centre boundaries.
Lack of neighbourhood	Council adopted a Shire-wide Neighbourhood Character Study	Complete Amendment C219morn to implement the

Issue	Status	Recommendation
character control and subsequent threats to neighbourhood character	& Guidelines in 2019. Amendment C219morn proposes to implement the character study to ensure future development responds appropriately to neighbourhood character across residentially zoned areas of the Mornington Peninsula.	findings of the Housing Settlement Strategy: Refresh 2020-2036 and the Neighbourhood Character Study and Guidelines into the planning scheme.
Residential height controls	Council is currently undertaking a major piece of strategic work to review existing planning permit triggers relating to residential building heights to determine whether any changes are required to existing controls.	Complete the Review of Residential Height Planning Controls project and prepare a planning scheme amendment to implement the recommendations of the project, as required
Heritage protection	Council is currently completing the final stages of the municipal wide heritage review. The planning scheme currently contains the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document which is due to expire in 2024. A review of the document is required to determine whether the document is still needed, could be improved or translated into local policy to guide development outcomes in Sorrento's historic areas.	Complete Stage 4 and 5 of the Heritage Review (currently underway) and undertake a planning scheme amendment to apply the Heritage Overlay to places of local significance. Undertake a review of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document and undertake a planning scheme amendment based on the findings and recommendations of the review.
Amenity impacts of advertising signage	Amenity impacts of advertising signage is a key concern for some residents of the Shire. The previous 2018 Review identified the need to review signage policy and/or controls to better manage amenity impacts, particularly where major promotion signs are concerned.	Undertake a review of existing signage controls and policy and consider the need for a planning scheme amendment to introduced improved provisions to manage amenity impacts.

5. Economic issues

Issue	Status	Recommendation
Developer	Council is yet to investigate the	Undertake a feasibility study to

Issue	Status	Recommendation
contribution requirements to help fund delivery of key public infrastructure in support of future growth	feasibility of a Shire-wide Development Contributions Plan to levy contributions that will help Council deliver committed projects with the Long Term Capital Works Plan.	determine whether a Shire-wide or staged Development Contributions Plan should be introduced to the planning scheme. Prepare an amendment based on the findings and recommendations of this study.
Lack of public transport options and reliance on cars	The Shire has effectively advocated for increased public transport services including the State Government's commitment to fund the development of a cross-Peninsula bus service. The Shire's Integrated Transport Strategy will seek to reduce the reliance upon cars as a primary means of transport.	Upon completion of the Integrated Transport Strategy, prepare a planning scheme amendment (as required) to update the planning scheme to reflect the vision and strategic direction of the plan.
Economic and tourism development	Preparation of the Mornington Peninsula Economic Development & Tourism Strategy is currently underway.	Prepare a planning scheme amendment to integrate the vision, objectives and key directives of the Mornington Peninsula Economic Development & Tourism Strategy (under preparation), as required.
Industrial land supply	The 2018 Review identified the need to implement the key findings and recommendations of Council's adopted Industrial Areas Strategy (2018) into the planning scheme. An amendment is yet to be prepared. Given the passage of time, it is likely that a refresh of this Strategy will be required before an amendment is undertaken.	Refresh Council's adopted Industrial Areas Strategy and undertake an amendment to implement the findings and recommendations as necessary.
The future of surplus SUZ1 (Port related uses) zoned land	Amendments C243morn and C294morn both seek to rezone land that is surplus to the requirements of the Port of Hastings to enable broader	Seek to engage with the Port of Hastings Corporation on the preparation of the next Port Development Strategy expected in mid-2024 and review the

Issue	Status	Recommendation
	industrial uses in Somerville and Hastings to address the shortage of industrial land. The Shire also continues to advocate the State Government for a clear position on the future of the Port of Hastings. The Shire is seeking to work in conjunction with all stakeholders, including the community, to plan for the future of surplus port-related SUZ1 zoned land.	Scheme to ensure the economic importance and State-significance of the Port of Hastings is recognised and aligns with the new Port of Hastings Development Strategy.

6. Other land-use planning issues

Issue	Status	Recommendation
Potentially contaminated land	Council is currently , auditing and testing of all known Council-owned sites within the Shire that may contain potentially contaminated land. Once complete, a planning scheme amendment will be required to apply the EAO to identified sites.	Finalise the review and audit of potentially contaminated sites on the Peninsula and undertake a planning scheme amendment to apply the EAO accordingly.
Public open space planning and provision	Council is currently preparing an Open Space Strategy to guide the future planning, provision, design and management of existing and future public open space for the next 15 years. The Strategy may make recommendations with respect to open space contributions and the need to amend the rates at the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision of the planning scheme. As per the 2018 Review, Council is also yet to complete a	Implement the recommendations of the Mornington Peninsula Open Space Strategy (under preparation) in the planning scheme through revised local policies and provisions as required. Complete the zoning audit of public open spaces across the Shire and prepare a planning scheme amendment to rezone parcels to the correct public zone as necessary.

Issue	Status	Recommendation
	comprehensive audit of the zoning of all public open spaces across the Shire and prepare a planning scheme amendment to rezone sites to the appropriate public zoning (i.e. PPRC, PUZ or PCRC).	
Inappropriate subdivisions	The 2018 Review identified the need to review existing Restructure Overlays to ensure inappropriate subdivisions are addressed. Work on this review is yet to be commenced.	Undertake a review of all Restructure Overlays to ensure they are they are appropriately applied and/or required to rectify old and inappropriate subdivisions.

Many of these issues are complex, ongoing, and long-term. As outlined above, the Shire continues to act upon these issues in accordance with adopted Shire policies, unit and team-specific business-plans, as well as with the recommendations contained within this and previous Planning Scheme Reviews.

Several specific ordinance, policy, and administrative issues were identified through the surveys, many of which are to be addressed by scheduled strategic work or are suitable to be corrected through the next anomalies amendment.

10. Conclusion and Review Recommendations

This review confirms that Council has undertaken a significant program of strategic work in response to the comprehensive 2018 Review, with 70% of the 236 recommendations completed or substantially progressed. The net result is a wealth of adopted strategic directives for the Shire concerning:

- Housing and settlement
- Neighbourhood and township character
- Protection and management of environmentally significant areas (Green Wedge, Tootgarook Wetland and Balcombe Estuary)
- Environmentally Sustainable Development (ESD)
- Heritage preservation
- Industrial land use and infrastructure
- Parking Precinct Plans for major activity centres
- Township and activity centre planning

A total of 50 Planning Scheme Amendments have been approved by the Minister for Planning since the 2018 Review. Significantly, **Amendment C279morn** translated all planning policy within the planning scheme into the new Planning Policy Framework (PPF) and resulted in a major refresh of policy expression and the completion of 78 recommendations made in the 2018 Planning Scheme Review. Similarly, the completion of **Amendment C219morn** will address numerous previously identified issues relating to managing housing growth and neighbourhood character.

In summary, the following key areas of work remain outstanding and have been integrated into the implementation plan at Appendix 3:

- Undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes
- Reviewing existing residential height planning permit triggers based on detailed landscape character analysis
- Protecting places of heritage significance through completion of the Shire's municipal wide heritage review
- Strengthening natural systems provisions and vegetation provisions through the implementation of Council's adopted Biodiversity Conservation Plan (2019) and review of relevant overlays
- Continuing to address climate change and environmental risks, especially sea level rising, erosion and flooding with associated advocacy for State Government intervention
- Continuing to support the provision of affordable housing through the introduction of a new policy or mechanism to collect contributions to help meet escalating demand for such housing within the Shire
- Reviewing advertising signage policy and/or controls to better protect township amenity

- Strengthening the mitigation of landslip risk through the review of susceptibility data and modelling and associated application of the Erosion Management Overlay
- Considering the feasibility of, and developing a comprehensive and coordinated framework for infrastructure provision and management (especially for open space, drainage and sewerage) with the establishment of a staged Shire-wide Development Contributions Plan
- Implementing the key strategic directions from Council's adopted Activity Centres Strategy (2018) and Industrial Areas Strategy (2018)
- Applying the Special Building Overlay (SBO) to flood prone land in partnership with Melbourne Water following the completion of catchment modelling across the Shire
- Completing the audit, testing and review of potentially contaminated land and applying the Environmental Audit Overlay (EAO) to sites as required
- Implementing Council's adopted master plan for The Briars
- Continuing to lobby State Government for a confirmed future role for the Port of Hastings and the release of surplus land for a range of alternative use and development including housing, industrial, open space and conservation purposes

In addition, the Review identifies the following new strategic planning work and includes them in the implementation plan:

- Prepare an Urban Design Assessment of all small townships, local centres and convenience centres on the Port Phillip Bay side of the Mornington Peninsula (without built form controls)
- Prepare township plans for Mount Eliza and Bentons Square townships
- Undertake a review of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document
- Continue to advocate for the State Government to review and revise existing bushfire planning provisions (including as-of-right vegetation removal exemptions) to minimise unnecessary vegetation loss on private land within the Shire
- Continue to advocate for the State Government to elevate ESD targets to achieve carbon neutral and climate change resilient development
- Implement the key strategic directions and recommendations of the following projects and strategies currently underway into the planning scheme through revised local policies and provisions as required:
 - Mornington Peninsula Open Space Strategy
 - Our Coast Our Future Coastal Strategy
 - Integrated Transport Strategy
 - Economic Development & Tourism Strategy
 - Affordable Housing Development Contributions Strategy
 - Review of Residential Height Planning Controls

The review identifies lessons learnt from decisions and recommendations made by both the Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels Victoria, including the need to continually monitor the application of local policy in decision-making. Similarly, the review recommends that Council continue to monitor and respond to new State Government policy or provision changes that may have an impact on the Mornington Peninsula Planning Scheme going forward. These may include changes relating to:

- implementing the State Government's recently released Housing Statement
- the pending release of the State Government's new Plan for Victoria
- the mitigation of climate change and sea level rise impacts
- policy interpretation by the Victorian Civil and Administrative Tribunal (VCAT)
- legislative reforms
- land use planning and the role of the Port of Hastings.

Overall, the majority of recommendations arising from this review are either already being addressed by planning scheme amendments or strategic work currently underway, or will be addressed by further strategic work and associated future amendments being programmed by the Shire.

New strategic planning work that has been identified will form the basis of the strategic planning work program the Council will progress over the coming years, subject to budget and resourcing requirements. The recommendations requiring further strategic work will be the subject of subsequent, strategically justified planning scheme amendments that will include community consultation.

It is noted that a planning scheme amendment is not considered necessary to implement the findings of this review as all identified actions are either captured by current amendments or will form part of further strategic assessment and future amendments.

10.1. Review Report Recommendations

To ensure that the Mornington Peninsula Planning Scheme continues to be strategically robust and effective in delivering sound planning outcomes, the 2023 Review recommends ten new actions and the continuance of a further 45 actions (ten of which are ongoing).

The specific actions are detailed at **Appendix 6 – 2023 Planning Scheme Review Implementation Plan** and categorised into the key themes used in Section 9:

- Climate change and associated risk
- Other Environmental issues
- Protection of Green Wedge values from developmental pressure
- Housing
- Character, built form and design
- Economic issues
- Other land-use planning issues

11. Appendices

11.1. Appendix 1 - 2018 Planning Scheme Review Implementation Plan – Status Audit

Appendix 1: 2018 Planning Scheme Review Implementation Plan – Audit

Rec.	Description	Status	Comment
R1, R7, R12, R191	Continue to pursue approval of Amendment C219 (Neighbourhood Residential Zone & Housing Settlement Strategy) to the planning scheme.	Underway	C219morn redrafted following a refresh of the HSS and integrated with the NCS. Planning Scheme Amendment C219morn underway to incorporate the NCS into the Scheme.
R2	Further strategic work to prepare and implement future neighbourhood character studies.	Underway	Final Neighbourhood Character Study & Guidelines adopted by Council September 2019. Planning Scheme Amendment C219morn underway to incorporate the NCS into the Scheme.
R3, R14	Continue preparation and adoption of current strategic plans and township structure plans	Completed	- Western Port & Coastal Villages Strategy adopted 14 October 2019 - Balnarring Structure Plan adopted 19 August 2019 - Somerville Structure Plan adopted 15 July 2019 - Baxter Structure Plan adopted 1 April 2019 - Dromana Township Plan adopted 20 August 2018
R4, R15	Amend the policy and provisions of planning scheme to ensure alignment with adopted strategic plans and neighbourhood character studies.	Underway	C219morn redrafted to implement the NCS. Planning Scheme Amendment C219morn underway to incorporate the NCS into the Scheme.
R5, R57	Upon adoption of the Green Wedge Management Plan, update the local planning policy framework (including MSS and policies) to articulate the key strategic directives of the plan.	Completed	GWMP adopted in 2021. Completed via PPF Translation Amendment C279morn 16 September 2021
R6	Continue the detailed review and refinement of the existing local planning policy framework for translation to the new Planning Policy Framework.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R8	Engage with DELWP to commence proceedings for the declaration of the Mornington Peninsula under section 46A (Distinctive Areas and Landscapes) of the <i>Planning and Environment Act 1987</i> .	Redundant	- The MPS is identified under Clause 11.03-5S Distinctive areas and landscapes, however, the new legislation establishes the power for the Governor General to officially 'declare' an area or landscape as distinct in the Government Gazette (Section 46AO1), specifying a range of criteria that must be satisfied before the Minister for Planning can recommend declaration (Section 46ASP1). - The declaration is not required as the Scheme already includes policies and controls to this effect, namely the UGB and the Mornington Peninsula Localised Planning Statement.
R9	Review the Localised Planning Statement for translation to a Statement of Planning Policy as per the requirements of section 46AV.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R10, R16, R66	Prepare an amendment to the Planning Scheme to implement a local policy for affordable housing at Clause 16.01-2 Housing affordability.	Underway	Social & Affordable Housing Contributions Plan Options Paper underway. Planning Scheme Amendment to follow in order to implement the Plan and make other consequential changes to the Scheme.
R11	Amend the local planning policy framework (as necessary) with any updated strategic directives.	Underway	- Recommendation relates to ensuring LPPF responds to updates in State policy as they arise, including around major hazard facilities, airports and environmentally sustainable development. - Gaps identified in PPF translation and implemented via C279morn. - Future Planning Scheme Amendments to include adopted and new local planning policy as required. - New local ESD policy underway via Amendment C232morn in 2023/2024.
R13, R236	Engage with DELWP to apply the Urban Growth Boundary around the urban areas of Balnarring Beach, Merricks Beach, Merricks and Point Leo under section 46AG of the <i>Planning and Environment Act 1987</i> .	Not started	DTP confirmed that the application of a UGB around the townships of Balnarring Beach, Merricks Beach, Merricks and Point Leo would require ratification by Parliament.
R17	Translate relevant contextual material from the <i>Mornington Peninsula Economic Development Strategy 2016-2019</i> into the local planning policy framework, including any associated Economic Framework Plan.	Not started	Preparation of new Mornington Peninsula Economic Development & Tourism Strategy commenced February 2023. Planning scheme amendment to be prepared to integrate the vision, objectives and key directives of the Strategy, as required.
R18	Include the <i>Mornington Peninsula Economic Development Strategy 2016-2019</i> as a Reference Document to the scheme.	Not started	Preparation of new Mornington Peninsula Economic Development & Tourism Strategy commenced February 2023. Planning Scheme Amendment to commence within 12 months after adoption of Strategy.
R19	Undertake further strategic work in consultation with Economic Development to identify land that may be the subject of an amendment to the Planning Scheme to facilitate a 'Marine' Special Use Zone along Western Port.	Redundant	Victorian Commercial Ports Strategy has confirmed the Port of Hastings is not to be the second container port for Melbourne. Revised Port Development Strategy is due for release in 2024. The Industrial Land Assessment and Rezoning Study determined that opportunities on the western side of the Peninsula considered more constrained. Amendments C243 and C294 progressing rezoning of industrial land in which marine industries may establish together with more broader industrial uses.
R20	Amend the local planning policy framework to integrate the vision, objectives, key directives and revised hierarchy of the <i>Mornington Peninsula Activity Centres Strategy Review</i> (April 2018).	Underway	Peer reviewing strategies commenced with Amendment C273morn to follow.
R21	Include the <i>Mornington Peninsula Activity Centres Strategy Review</i> (April 2018) as a reference document to the planning scheme.	Underway	Peer reviewing strategies commenced with Amendment C273morn to follow.
R22	Amend the local planning policy framework to integrate the vision, objectives and key directives of the <i>Mornington Peninsula Industrial Areas Strategy</i> (April 2018).	Underway	Peer reviewing strategies commenced with Amendment C273morn to follow.
R23	Include the <i>Mornington Peninsula Industrial Areas Strategy</i> (April 2018) as a reference document to the planning scheme.	Underway	Peer reviewing strategies commenced with Amendment C273morn to follow.
R24	Further investigate recommendations of the <i>Mornington Peninsula Industrial Areas Strategy</i> (April 2018) including potential industrial rezonings.	Underway	Planning Scheme Amendment C243morn seeks to rezone land from Special Use Zone Schedule 1 – Port Related Uses (SUZ1) to Industrial 3 Zone (IN3Z) in Somerville. Planning Scheme Amendment C294 now privately led amendment. Technical assessments and further investigation into the future use of the Hastings area underway in 2023.
R25	Translate relevant contextual material from the <i>Mornington Peninsula Marine Precincts Strategy</i> (January 2015) into the local planning policy framework once updated.	Redundant	Undertaken by ILARS which resulted in the analysis of broader industrial land uses which will be implemented by individual planning scheme amendments.
R26	Translate relevant contextual material from the <i>Marine Precinct Economic Analysis</i> once completed and adopted by Council into the local planning policy framework and amend the planning scheme to initiate rezonings to facilitate the recommendations of the Analysis.	Redundant	Undertaken by ILARS which resulted in the analysis of broader industrial land uses which will be implemented by individual planning scheme amendments.
R27	Translate relevant contextual material from the <i>Mornington Peninsula Sustainable Transport Strategy 2015-2020</i> into the local planning policy framework, including any associated Transport / Movement Framework Plan.	Not started	Revised Integrated Transport Strategy is currently on hold pending completion of the Pedestrian Access Strategy. Upon completion of the Integrated Transport Strategy, prepare a planning scheme amendment to update the local policies or provisions as required.
R28	Continue to pursue approval of Amendment GC088 (Licensed Premised - Packaged Liquor).	Unable to pursue	Authorisation refused by the Minister for Planning on 16 June 2019

Rec.	Description	Status	Comment
R29, 30, 31, 32, 33	Subject to revision/update of the the following <i>Coastal Management Plans</i> , translate contextual material into the Municipal Planning Strategy as relevant: - Mornington Harbour Precinct Plan - Safety Beach Coastal Management Plan - Sorrento Coastal Management Plan - Rosebud Coastal Management Plan	Redundant	State Government Marine and Coastal Policy 2020 implemented via Amendment VC171 to strengthen policies relating to coastal hazard planning and sea level rise adaptation. Program of reviewing Coastal Management Plans is on track. The content of CMPs not required to be translated into the Planning Scheme. Preparation of region wide Coastal Strategy is underway and may inform a future planning scheme amendment alongside the release of Port Phillip Bay Coastal Hazard Assessment (mid 2023) and revision of Sea Level Rise Benchmarks in line with IPCC reports (end 2023).
R34	Translate relevant contextual material from the Carbon Neutral Policy into the Municipal Planning Strategy.	Redundant	The Mornington Peninsula Carbon Neutral Policy seeks to reducing the Shire's carbon footprint wherever possible. The content of the Policy is not required to be translated into the Planning Scheme.
R35	Translate relevant contextual material from the Smart Water Plan into the Municipal Planning Strategy.	Redundant	The Integrated Water Management Plan (2021) replaced the Smart Water Plan and is in the implementation phase, ongoing for the next 10 years. VC154 Stormwater Management (October 2018) embedded integrated water management objectives and strategies in urban land-use planning by amending Clause 19.03-3S and Clause 53.18 Stormwater management in urban development.
R36	Include the <i>Smart Water Plan: An Integrated Approach to Water Management for the Mornington Peninsula (adopted in 2013, updated 2018)</i> as a Reference Document to the scheme.	Redundant	The Integrated Water Management Plan (2021) replaced the Smart Water Plan and is in the implementation phase, ongoing for the next 10 years.
R37	Prepare planning scheme amendment to introduce EMO's upon completion of further studies.	Completed	Schedules 4 & 5 to Clause 44.01 (EMO) amended to include application requirements and decision guidelines from content previously contained at Clause 22.20 (Landslide Susceptibility) via PPF Translation Amendment C279morn gazetted 16 September 2021. Recommendation 211 to revise existing EMOs still to be completed.
R38	Undertake further strategic work as identified in the TWMP to inform the basis of an amendment to the Planning Scheme including amending ESO30 and rezoning of land at 92 Elizabeth Street, Capel Sound to PCRZ.	Completed	TWMP adopted 14 May 2018. Implemented via Amendment C227morn (gazetted October 2020).
R39	Continue to pursue approval of Amendment C214 (Heritage Review Stage 2).	Completed	Amendment C214 gazetted on 24 October 2019.
R40	Following completion and adoption of Stage 3 of the Heritage Review, seek to incorporate the findings into the planning scheme via an amendment.	Completed	Amendment C262 gazetted 26 May 2022
R41, R63	Upon completion and adoption of Stage 4 of the Heritage Review, seek to incorporate its findings via an amendment to the Heritage Overlay and Planning Scheme as appropriate.	Underway	Area 4 of Heritage Review includes Somerville, Hastings, coastal townships and rural areas. Project to be completed by 2023 with a planning scheme amendment to commence in 2024
R42	Review the SUZ3 to ensure decision guidelines align with adopted Tyabb Airfield Precinct Plan (TAPP).	Redundant	C233morn withdrawn 16 July 2021
R43	Prepare and apply a new Design and Development Overlay to control built form for the protection of the Tyabb Airfield.	Redundant	C233morn withdrawn 16 July 2021
R44	Prepare and introduce a new local planning policy to recognise the activities of the airfield and assist the exercise of planning discretion to avoid future land use conflicts.	Redundant	C233morn withdrawn 16 July 2021
R45	Include the Tyabb Airfield Precinct Plan (TAPP) as a reference document to the planning scheme.	Redundant	C233morn withdrawn 16 July 2021
R46	Continue to pursue approval of Amendment C190 (Hastings Town Centre Structure Plan 2014).	Completed	Amendment C190morn gazetted on 19 December 2019 implemented built form controls for the Hastings Town Centre.
R47	Review and amend the application of Schedule 1 and 2 of the Design and Development Overlay in accordance with the Rye Township Urban Design Framework Plan.	Completed	Amendment C275morn (gazetted 7 July 2022) implemented the Rye Urban Design Guidelines by applying the Design and Development Overlay (DDO58) and rezoning residential land in the township to Mixed Use Zone (MUZ) and Commercial 1 Zone (C1Z), in accordance with the recommendations of the adopted Rye Township Plan.
R48	Rezone identified residential areas to the Mixed Use Zone in accordance with the Rye Township Plan.	Completed	Amendment C275morn (gazetted 7 July 2022) implemented the Rye Urban Design Guidelines by applying the Design and Development Overlay (DDO58) and rezoning residential land in the township to Mixed Use Zone (MUZ) and Commercial 1 Zone (C1Z), in accordance with the recommendations of the adopted Rye Township Plan.
R49	Develop and apply a Development Contributions Plan Overlay over the Rye Township.	Redundant	Abandoned
R50	Include the Rye Township Plan (December 2017) as a reference document to the scheme.	Completed	Amendment C275morn (gazetted 7 July 2022) included the adopted Rye Township Plan (July 2020) as a background document at Clause 72.08.
R51	Continue to pursue approval of Amendment C206 (Rosebud Activity Centre Town Centre Structure Plan 2014).	Completed	Amendment C206morn gazetted on 22 November 2019 implemented built form controls for the Rosebud Activity Centre.
R52	Review C219 against the adopted Dromana studies to ensure consistency and avoid duplication of provisions in zone and proposed DDO.	Completed	Review completed in preparation for C219morn.
R53	Investigate and pursue appropriate design controls to implement the Dromana Residential Investigation Area as part of the planning scheme amendment to follow the Dromana Township Plan.	Completed	Review completed in preparation for C219morn.
R54	Translate relevant contextual material from the Roadside Equestrian & Mountain Bike Trails Strategy 2014-2019 into the Heritage Overlay.	Completed	Strategy reviewed nothing required to be translated in the Planning Scheme.
R55	Undertake further strategic work to identify specific parts of the Planning Scheme where the Roadside Equestrian & Mountain Bike Trails Strategy 2014-2019 should be implemented e.g. Environmental Significance Overlays.	Completed	Strategy reviewed nothing required to be translated in the Planning Scheme.
R56	Include the Playspace Strategy 2015-2020 as an incorporated document to any future Development Contribution Plan or Development Contributions Plan Overlays to the Planning scheme if necessary.	Completed	Strategy reviewed nothing required to be translated in the Planning Scheme.
R58, R185	Pursue further strategic work identified in the Green Wedge Management Plan (GWMP) and pursue associated planning scheme amendments. Clause 21.09 – Planning for Rural Areas - Review content upon finalisation and adoption of the Green Wedge Management Plan and Biodiversity Conservation Plan	Underway	Green Wedge Management Plan was re-adopted in April 2019 and Biodiversity Conservation Plan adopted on 13 August 2019. Awaiting State Government reforms to Green Wedge planning policy and controls to determine the need to prepare a planning scheme amendment to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies. Upon completion of the review of planning provisions for biodiversity conservation, prepare a planning scheme amendment as required. Completion of a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes is subject to future resourcing and funding.
R59	Upon adoption of the Biodiversity Conservation Management Plan, update the local planning policy framework (including MSS and policies) to articulate the key strategic directives of the plan.	Not started	Planning Scheme Amendment subject to resourcing and funding.

Rec.	Description	Status	Comment
R60	Amend schedules to zones and overlays as appropriate to accord with the Biodiversity Conservation Management Plan, including, but not limited to the Environmental Significance and Vegetation Protection Overlays.	Not started	Planning Scheme Amendment subject to resourcing and funding.
R61	Upon adoption of the Integrated Transport Plan, update the local planning policy framework (including MSS and policies) to articulate the key strategic directives of the plan.	Not started	Revised Integrated Transport Strategy is currently on hold pending completion of the Pedestrian Access Strategy. Upon completion of the Integrated Transport Strategy, prepare a planning scheme amendment to update the local policies or provisions as required.
R62	Include the Integrated Transport Plan as a reference document to the scheme.	Not started	Revised Integrated Transport Strategy is currently on hold pending completion of the Pedestrian Access Strategy. Upon completion of the Integrated Transport Strategy, prepare a planning scheme amendment to update the local policies or provisions as required.
R64	Review the existing <i>Boatshed and Bathing Box Heritage Study (November 2000)</i> and further amend the Heritage Overlay as necessary, in conjunction with DELWP.	Redundant	Boatshed and Bathing Box Heritage Study (November 2000) reviewed. No further action required.
R65	Include any heritage citations from the Heritage Review Stage 4 as reference documents to the scheme.	Underway	Stage 4 of the Heritage Review is scheduled for community consultation and adoption by Council in 2023.
R67	Update the local planning policy framework (including MSS and policies) to articulate the key strategic directives of the <i>Triple A Housing Plan 2018-2033</i> in context of State policy review.	Underway	Social & Affordable Housing Contributions Plan Options Paper underway. Planning Scheme Amendment to follow in order to implement the Plan and make other consequential changes to the Scheme. Various VC Amendments since 2018 have strengthened the Victoria Planning Provisions to support and better plan for affordable housing.
R68	Include the <i>Triple A Housing Plan 2018-2030</i> and <i>Social and Affordable Housing Policy 2018</i> as a reference document to the scheme as part of the planning scheme amendment.	Underway	Social & Affordable Housing Contributions Plan Options Paper underway. Planning Scheme Amendment to follow in order to implement the Plan and make other consequential changes to the Scheme.
R69	Finalise and adopt The Briars Master Plan.	Completed	The Briars Master Plan 2019-2029 adopted by Council on 25 February 2020.
R70	In association with the preparation of The Briars Master Plan, prepare and pursue an amendment to rezone GWZ land within The Briars to PCRZ.	Not started	The Briars Master Plan 2019-2029 adopted by Council on 25 February 2020. Prepare a planning scheme amendment to update the local policies or provisions as required.
R71	Include The Briars Master Plan as a reference document to the scheme.	Not started	The Briars Master Plan 2019-2029 adopted by Council on 25 February 2020. Prepare a planning scheme amendment to update the local policies or provisions as required.
R72	Include the Sports Capacity Plan 2018 (once adopted) into any introduction of a Development Contributions Plan Overlay to the planning scheme upon preparation and adoption of a staged, Shire-wide Development Contributions Plan if necessary.	Redundant	The Mornington Peninsula Shire's Sports Capacity Plan - Volume 1 (Sports Fields) completed. No implications for the Planning Scheme.
R73	Undertake a planning scheme amendment once the <i>Port Phillip Hazard Assessment</i> has been completed to introduce LSIO to affected properties.	Not started	Awaiting State Government to release the <i>Port Phillip Bay Coastal Hazard Assessment</i> (delivery date as yet unknown) and revision of <i>Sea Level Rise Benchmarks</i> (expected end 2023). Council is advocating via the Municipal Association of Victoria's (MAV) Association of Bayside Municipalities (ABM) for the Minister for Planning to implement appropriate planning controls to areas identified as at-risk in the PPBCA via a Ministerial amendment.
R74	Implement findings of the <i>Coastal Villages Study</i> into Municipal Planning Scheme once adopted with introduction of LPPF changes, zone or DDO provisions. The Strategy will address coastal climate change impacts and adaptation for villages allocated along Western Port Bay and provide a design and character framework for each specified village. The Strategy has been initiated in July/August of 2018 and is anticipated to be completed within 12 months.	Completed	Strategy adopted in 2019. Amendment C271morn adopted by Council in April 2023 and submitted to the Minister for Planning for approval seeks to implement the Western Port Coastal Villages & Surrounding Settlements Strategy.
R75	Implement findings of the <i>Balnarring Structure Plan</i> into Municipal Planning Scheme once adopted with introduction of LPPF changes, zone or DDO provisions.	Completed	Balnarring Structure Plan adopted 19 August 2019. Amendment C271morn adopted by Council on 4 April 2023 and submitted to the Minister for Planning for approval seeks to implement the Western Port Coastal Villages & Surrounding Settlements Strategy (including the Balnarring Structure Plan).
R76	Implement findings of the <i>Somerville Structure Plan</i> into Municipal Planning Scheme once adopted with introduction of LPPF changes, zone or DDO provisions.	Completed	Somerville Structure Plan adopted 15 July 2019. Implemented via C269morn (gazetted 30 June 2022) by introducing the Design and Development Overlay Schedules 25, 30 and 31 to the commercial areas of Baxter and Somerville.
R77	Implement findings of the <i>Baxter Structure Plan</i> into Municipal Planning Scheme once adopted with introduction of LPPF changes, zone or DDO provisions.	Completed	Baxter Structure Plan adopted 1 April 2019. Implemented via C269morn (gazetted 30 June 2022) by introducing the Design and Development Overlay Schedules 25, 30 and 31 to the commercial areas of Baxter and Somerville.
R78	Ensure that local nuance is retained when the LPPF is translated into the new PPF format (revised VPPs).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R79	Remove duplication of State Policy in the LPPF when the LPPF is translated into the new PPF format (revised VPPs).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R80	Undertake further work required to 'fill' the policy gap between State Policy 15.02 Sustainable Development and Local Policy.	Completed	Amendment C232morn to introduce ESD policy adopted by Council 21 February 2023 and submitted for approval on 7 March 2023
R81	Clause 21.01 – Purpose - Delete entire clause.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R82	Clause 21.02 – Profile - Remove redundant and out-of-date data and statistics.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021. Ongoing action to ensure data and statistics in the MPS are up to date.
R83	Retain relevant background material, update and rewrite into a more concise format for translation to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R84	Clause 21.03 – Regional Role and Local Vision - Retain relevant contextual material and update to ensure alignment with the Localised Planning Statement, current Council Plan, Health and Wellbeing Plan, and other relevant strategies recently adopted by Council.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021. Ongoing action to ensure the MPS reflects Council strategies.
R85	Clause 21.03 – Re-write and refine for translation to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R86	Clause 21.04 – Strategic Framework Plan - Remove superfluous operational content.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R87	Clause 21.04 – Update the Strategic Framework Plan and associated policy directives to ensure alignment with the Localised Planning Statement, current Council Plan, Health and Wellbeing Plan, and other relevant strategies recently adopted by Council.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021. Ongoing action to ensure the Strategic Framework Plan reflects Council strategies.
R88	Clause 21.04 – Strategic Framework Plan - Re-write and refine for translation to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R89	Clause 21.05 – Objectives, Strategies & Implementation - Delete.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R90	Clause 21.06 – Strategic Framework - Retain relevant contextual material for translation to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R91	Clause 21.06 – Retain genuinely local content (i.e. objectives and strategies) for translation to a dedicated settlement policy in the PPF.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R92	Clause 21.06 – Revise all implementation and further strategic work actions to reflect current conditions and translate to the appropriate location within the reformatting VPPs.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R93	Clause 21.07 – Guiding Future Township Development - Remove redundant content and duplication with State policies at Clauses 11 (Settlement), 12 (Environmental and landscape values), 13 (Environmental risks and Amenities), 14 (Natural resource management), 15 (Built environment and heritage), 16 (Housing), 18 (Transport) and 19 (Infrastructure).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R94	Clause 21.07 – Update contextual content and retain for translation to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021

Rec.	Description	Status	Comment
R95	Clause 21.07 – Update objectives and strategies to ensure alignment with strategic directives from recently adopted Council policies and strategies, and translate as policy content for the PPF.	Completed	- To occur as part of PPF translation - Further updates to follow with future amendments to introduce recently adopted policy content
R96	Clause 21.07 – Revise all implementation and further strategic work actions to reflect current conditions and translate to the appropriate location within the reformatted VPPs.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R97	Clause 21.08 – Remove duplication with State policies at Clauses 11.03 (11.03-1S Distinctive areas and landscapes) and 12.02 (Coastal areas).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R98	Clause 21.08 Foreshore & Coastal Areas – Retain contextual content for translation to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R99	Clause 21.08 – Audit approved local Coastal Management Plans for relevant content worthy of inclusion.	Redundant	In accordance with the Marine and Coastal Act 2018 all decisions made under the Planning & Environment Act 1987 must take into account the Marine and Coastal Policy 2020 and in turn approved Coastal Management Plans. VC171 (gazetted October 2021) implemented the Marine and Coastal Policy (DELWP 2020).
R100	Clause 21.08 - List approved Marine and Coastal Strategies in the future 'Background and Incorporated Documents' VPP if updated.	Redundant	Completed at Clause 12.02-1S Protection of the marine and coastal environment under Policy documents requiring any environmental management plan or coastal and marine management plan approved under the Marine and Coastal Act 2018 or National Parks Act 1975 to be considered.
R101	Clause 21.08 – Include a reference requiring referral to relevant public land managers and/or designated foreshore committees where necessary.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R102	Clause 21.08 – Ensure the <i>Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils</i> (DSE, October 2010) are appropriately referenced Local Policy.	Redundant	Completed by new PPF including reference at Clause 12.02-1S Protection of the marine and coastal environment under Policy documents.
R103	Clause 21.08 – Revise all implementation actions and further strategic work to reflect current conditions and translate to the appropriate location within the reformatted VPPs.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021 by including reference at Clause 12.02-1S Protection of the marine and coastal environment.
R104	Clause 21.09 Planning for Rural Areas – Remove duplication with State policies at Clauses 12 (Environmental and landscape values), 13 (Environmental risk and amenity), 14 (Natural resource management) and 17.04 (Tourism).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R105	Comprehensively review the ordinance and mapping of all environmental overlays (ESOs, SLOs and VPOs) upon finalisation and adoption of the Green Wedge Management Plan and Biodiversity Conservation Plan.	Not started	Review and Planning Scheme Amendment subject to resourcing and funding.
R106	Clause 21.10 – Managing Port Area Development - Retain existing strategic directives until such time as the future role and development of the Port is confirmed by State Government, but be amended to include reference to <i>Port of Hastings Land Use and Transport Strategy (Port of Hastings Corporation, 2009)</i> .	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021. Port of Hastings Development Strategy due for release in 2024 following which a review of the relevant Clause 02.03 Strategic Directions will be required.
R107	Clause 21.10 – Remove content that duplicates State policies at Clauses 17.03 (Industry), 18.03 (Ports) and 12.01 (Biodiversity).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R108	Clause 21.10 – Retain remaining policy context for translation to the future MPS, and content regarding key issues, objectives, strategies and actions for translation to a Port-related policy in the PPF.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R109	Clause 21.10 – Revise all implementation actions and further strategic work to reflect current conditions and translate to the appropriate location within the reformatted VPPs.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R110	Clause 22.11 – Fire Protection Policy - Delete entire clause.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R111	Clause 21.12 – Complete audit of reference documents and update as necessary.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R112	Clause 21.12 – Non-Residential Uses in Residential Zones - Translate the revised list of reference documents into new Clause 72.04 'Documents Incorporated in this Planning Scheme' and Clause 72.08 'Background Documents' now introduced through Amendment VC148.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R113	Clause 21.13 – Township Environment - Remove redundant content, i.e. actions under the implementation section.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R114	Clause 21.13 – Augment clause to include additional local area plans for areas where a structure plan has been prepared, e.g. Rosebud and Hastings once gazetted.	Redundant	Hastings Town Centre Structure Plan, 2014 and Rosebud Activity Centre Structure Plan, 2017 implemented via PSA C190morn and C206morn respectively.
R115	Clause 21.13 – Translate to the appropriate location within the reformatted VPPs.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R116	Clause 22.01 – Industrial Areas - Update contextual content for inclusion in the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R117	Clause 22.01 – Remove any duplication with State policy at Clause 17.03 (Industry).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R118	Clause 22.01 – Update with the vision and directives of the <i>Mornington Peninsula Industrial Areas Strategy (April 2018)</i> .	Redundant	Update to Clause 17 Economic Development to occur via future amendments facilitating the Somerville (C243morn) and Hastings(C294morn) industrial developments.
R119	Clause 22.01 – Amend the policy to recognise and respond to the gradual 'dilution' of industrial areas across the Shire since the changes to as-of-right uses in the Industrial 3 Zone were introduced by Amendment VC100 and VC142.	Redundant	Update to Clause 17 Economic Development to occur via future amendments facilitating the Somerville (C243morn) and Hastings(C294morn) industrial developments.
R120	Clause 22.01 – Industrial Areas - Strengthen policies and design standards, particularly with respect to landscaping and interface issues.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R121	Clause 22.02 – Activity Centres - Revise content to reflect, acknowledge and respond to the simplification of the Business 1, 4 and 5 Zones to the C1Z.	Redundant	C273morn to give statutory effect to the adopted Industrial Areas Strategy (2018) and Activity Centre Strategy (2018)
R122	Clause 22.02 – Amend the clause to recognise and respond to the dilution of Commercial Zones and IN3Z.	Redundant	C273morn to give statutory effect to the adopted Industrial Areas Strategy (2018) and Activity Centre Strategy (2018)
R123	Clause 22.02 – Activity Centres Remove duplicates with State policy and update with the vision and directives of the <i>Mornington Peninsula Activity Centres Strategy (May 2018)</i> .	Redundant	C273morn to give statutory effect to the adopted Industrial Areas Strategy (2018) and Activity Centre Strategy (2018)
R124	Clause 22.02 – Prepare individual local planning policies for each activity centre for which a Structure Plan or Township plan has been adopted.	Redundant	Completed via PPF Translation Amendment C279morn 16 September 2021
R125	Clause 22.03 – Dwelling density, excisions and realignments in rural areas - Delete policy.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R126	Clause 22.03 – Retain content regarding the realignment of lot boundaries and include in the new rural / green wedge local planning policy to be prepared upon adoption of the Green Wedge Management Plan.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R127	Clause 22.04 – Remove duplication with State planning policies at Clauses 15.03 (Heritage) and 15.01-1S (Urban Design).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R128	Clause 22.04 – Heritage Place and Abutting Land - Strengthen policy directives around what is considered an appropriate design response for the development of land abutting identified heritage places.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R129	Clause 22.05 – Aboriginal Cultural Heritage - Remove content that duplicates State policy at Clause 15.03-2S (Aboriginal Cultural Heritage).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R130	Clause 22.05 – Aboriginal Cultural Heritage - Update with locally specific content in consultation with the Bunurong Land Council Aboriginal Corporation (BLCAC).	Redundant	Policy removed via PPF Translation Amendment C279morn 16 September 2021

Rec.	Description	Status	Comment
R131	Clause 22.06 – Development on highways, main roads and tourist routes - Remove content that duplicates State policies at Clauses 11.03-5S (Distinctive areas and landscapes), 17.02 (Commercial), 18.02 (Movement networks) and 15.01 (Built environment).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R132	Clause 22.06 – Development on highways, main roads and tourist routes - Revise local content to align with the GWMP (once adopted) and translate into the new rural / green wedge local planning policy.	Underway	Green Wedge Management Plan was re-adopted in April 2019. Implementation of the GWMP remains ongoing. To date, Amendment C279morn translated the key directions of the LPS into the MPS which align with the key strategic directions of the GWMP. Amendments C270morn and C235morn were prepared to rezone SUZ land to GWZ as recommended by the GWMP. Council continues to advocate to State Government for stronger Green Wedge policy and controls which will determine the need to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies. A landscape character assessment of the Green Wedge is yet to be commenced and is subject to funding.
R133	Clause 22.07 – Commercial and Industrial Uses in Rural Areas - Remove content that duplicates State policies at Clauses 11.03-5S (Distinctive areas and landscapes), 17.02 (Commercial) and 17.04 (Tourism).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R134	Clause 22.07 – Commercial and Industrial Uses in Rural Areas - Revise local content to align with the GWMP (once adopted) and translate into the new rural / green wedge local planning policy.	Underway	Green Wedge Management Plan was re-adopted in April 2019. Implementation of the GWMP remains ongoing. To date, Amendment C279morn translated the key directions of the LPS into the MPS which align with the key strategic directions of the GWMP. Amendments C270morn and C235morn were prepared to rezone SUZ land to GWZ as recommended by the GWMP. Council continues to advocate to State Government for stronger Green Wedge policy and controls which will determine the need to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies. A landscape character assessment of the Green Wedge is yet to be commenced and is subject to funding.
R135	Clause 22.08 – Integrated Recreational and Residential Development in Rural Areas - Remove content that duplicates State policies at Clauses 11.03-5S (Distinctive areas and landscapes) and 14.01 (Agriculture).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R136	Clause 22.08 – Integrated Recreational and Residential Development in Rural Areas - Revise local content to align with the GWMP (once adopted) and translate into the new rural / green wedge local planning policy.	Underway	Green Wedge Management Plan was re-adopted in April 2019. Implementation of the GWMP remains ongoing. To date, Amendment C279morn translated the key directions of the LPS into the MPS which align with the key strategic directions of the GWMP. Amendments C270morn and C235morn were prepared to rezone SUZ land to GWZ as recommended by the GWMP. Council continues to advocate to State Government for stronger Green Wedge policy and controls which will determine the need to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies. A landscape character assessment of the Green Wedge is yet to be commenced and is subject to funding.
R137	Clause 22.09 – Yaringa Area - Retain and translate into appropriate section of the new VPP format.	Redundant	Western Port Coastal Villages Strategy adopted on 14 October 2019. Strategy had no implications for the Yaringa Area policy. Policy removed by PPF Translation Amendment C279morn 16 September 2021.
R138	Clause 22.09 – Yaringa Area - Update content after completion of planned Western Port Coastal Villages Study.	Redundant	Western Port Coastal Villages Strategy adopted on 14 October 2019. Strategy had no implications for the Yaringa Area policy. Policy removed by PPF Translation Amendment C279morn 16 September 2021.
R139	Clause 22.10 – Advertising Signs - Remove content duplicated at Clause 52.05 (Signs).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R140	Clause 22.10 – Advertising Signs - Ensure new content introduced by Amendment VC148 strengthens objectives, and retain locally specific directions for translation to the PPF if the clause does not protect local objectives.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R141	Clause 22.10 – Advertising Signs - Undertake further strategic work to provide better guidance around Major Promotion Signs, light pollution, landscape and character impacts (over and above traffic issues) that is specific to Mornington Peninsula's conditions, including the character of townships and villages, and amend Clause 22.10 and Clause 52.05 as appropriate.	Not started	Review and Planning Scheme Amendment subject to resourcing and funding.
R142	Clause 22.11 – Mornington Peninsula Fire Protection Policy - delete policy due to duplication with Clause 13.02 (Bushfire) and Clause 53.02 (Planning for bushfire).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R143	Clause 22.11 – Mornington Peninsula Fire Protection Policy - Translate relevant contextual material to the MPS.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R144	Clause 22.11 – Mornington Peninsula Fire Protection Policy - List the following existing reference documents in the new Background and Incorporated Document provision of the reformatted VPP: CFA Requirements for Water Supplies and Access for Subdivisions in Residential 1 and 2 and Township Zones (CFA, 2006). CFA Requirements for Water Supplies and Access for Subdivisions in Rural Zones (CFA, 2006). Regional Bushfire Planning Assessment – Melbourne Metropolitan Region (Department of Planning and Community Development, 2012).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R145	Clause 22.12 – Non-Residential Uses in Residential Zones - Remove content that duplicates the State policies at Clauses 11.03-1S (Activity Centres) and 17.02 (Commercial).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R146	Clause 22.12 – Non-Residential Uses in Residential Zones - Remove content that is superfluous to the local policies at Clauses 21.07-3 (Activity centres) and 22.02 (Activity Centres).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R147	Clause 22.12 – Non-Residential Uses in Residential Zones - Update archaic zoning terms with conventional ones (e.g. General Residential Zone and Commercial Zone instead of Residential 1 Zone and Business Zone respectively).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R148	Clause 22.12 – Non-Residential Uses in Residential Zones - Revise content to improve policy efficacy by defining non-residential uses and providing specific guidance on managing detrimental amenity impacts.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R149	Clause 22.13 – Township Environment - Remove content that duplicates the State policies at Clauses 11 Settlement, 12 Environmental and Landscape Values, 13 Environmental Risks and Amenity, 14 Natural Resource Management, 15 Built Environment and Heritage, and 52.17 Native Vegetation.	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R150	Clause 22.13 – Township Environment - Update archaic zoning terms with conventions ones (e.g. General Residential Zone and Commercial Zone instead of Residential 1 Zone and Business Zone respectively).	Completed	Completed via PPF Translation Amendment C279morn 16 September 2021
R151	Translate relevant contextual material from the Smart Water Plan 2018.	Redundant	Development (Clause 53.18) and recent changes to VPP that address integrated water management.
R152	Clause 22.13 – Township Environment - Update content with new policy provisions for ESD and WSUD.	Completed	VC216 (gazetted 10 June 2022) implemented the Plan Melbourne 2017-2050 Action 80 'Review of planning and building systems to support environmentally sustainable development outcomes' including WSUD updates and Clause 53.18. Amendment C232morn adopted by Council in February 2023 to introduce ESD policy. Submitted to Minister for approval in March 2023.

Rec.	Description	Status	Comment
R153	Clause 22.14 – Mornington Peninsula Land Units - Remove content that duplicates the State policies at Clauses 11 Settlement, 12 Environmental and Landscape Values, 13 Environmental Risks and Amenity, 14 Natural Resource Management, and 15 Built Environment and Heritage.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R154	Clause 22.14 – Mornington Peninsula Land Units - Remove superfluous decision guidelines content.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R155	Clause 22.14 – Mornington Peninsula Land Units - Merge remaining content into relevant sections of the MPS.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R156	Clause 22.15 – Landscape Protection and Broiler Farms - Retain policy and merge with new overall Rural Policy in the PPF of the new VPP format.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R157	Clause 22.15 – Landscape Protection and Broiler Farms - Revise content with up-to-date content, and provide the numbering of the specific ESO Schedules where a proposed broiler farm is discouraged.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R158	Clause 22.16 – Ballar Creek - Remove duplicate content in decision guidelines.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R159	Clause 22.16 – Ballar Creek - Merge remaining content with Clause 22.20 Landslide susceptibility.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R160	Clause 22.17 – Sorrento Historic Precinct Policy - Remove reference to State policies at Clause 15.11 (Heritage) (noting that this Clause has been superseded by Clause 15.03 (Heritage), Clause 19.03 (Development Infrastructure), Municipal Strategic Statement, Clause 22.04-2 (Heritage Places and Abutting Land).	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R161	Clause 22.17 – Sorrento Historic Precinct Policy - Remove reference to Clause 42.02 (Vegetation Protection Overlay), Clause 43.01 (Heritage Overlay) and Clause 43.02 (Design Development Overlay).	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R162	Clause 22.18 – Mornington Activity Centre Policy - Update policy basis content to rectify referencing issues.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R163	Clause 22.18 – Mornington Activity Centre Policy - Merge content under objectives and policy sections with the State policy at Clause 11.03 Activity Centres.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R164	Clause 22.18 – Mornington Activity Centre Policy - Update content to match any recommendations in the new Activity Centres Strategy relevant to the Mornington major activity centre.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R165	Clause 22.18 – Mornington Activity Centre Policy - Add a further work section to provide for future Parking Overlays and/or Development Contributions Plan Overlays.	Completed	Completed via Amendment C281morn gazetted 24 February 2022 that introduced Clause 45.09 (Parking Overlay) and Schedule 1 to Clause 45.09 (Parking Overlay) to the Mornington, Rosebud and Hastings Major Activity Centres.
R166	Clause 22.19 – Green Wedge Camping and Caravan Park - Delete entire clause.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R167	Clause 22.19 – Green Wedge Camping and Caravan Park - Address the regulation of camping and caravan parks via the GWMP and reintroduce into the planning scheme following adoption of the Plan.	Underway	Council continues to advocate to State Government for stronger Green Wedge policy and controls which will determine the need to implement the 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies.
R168	Clause 22.20 – Landslide Susceptibility - Translate relevant content within the objectives and policy sections to applicable State policies at clauses 13.04 Soil Degradation and 14.02 Water.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R169	Clause 22.20 – Landslide Susceptibility - Translate content within the decision guidelines and policy reference sections to one or more relevant schedules of the EMO.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R170	Clause 22.20 – Landslide Susceptibility - Add a further work section to the policy to provide for future infrastructure works.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R171	Clause 22.21 – Mornington North Policy - Retain policy and translate into appropriate section of the PPF.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R172	Clause 22.21 – Mornington North Policy - Mornington Update provisions in Precinct 6 to maintain consistency with the Housing Settlement Strategy.	Not started	Policy translated across via PPF Translation Amendment C279morn gazetted 16 September 2021. This Policy should be reviewed as part of future project to review all LDRZ across the Peninsula
R173	Clause 22.22 – Retain policy, and translate contents to the new PPF.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R174	Pursue the Mixed Use rezonings identified by the <i>Mornington Activity Centre Structure Plan (2007)</i> and <i>Rye Township Plan (2017)</i> over the next 5-10 years.	Completed	Rezoning proposals within the Mornington Activity Centre subject to future privately lead planning scheme amendment requests. Amendment C275morn applied the MUZ to and C1Z in accordance with the Rye Township Plan (gazetted 7 July 2022).
R175	Retain the Commercial 1 Zone as the primary business zone for the Shire's Major Activity Centres.	Completed	No action required
R176	Investigate site-specific rezoning of land to the Commercial 2 Zone as per the recommendations of the <i>Industrial Areas Strategy (2018)</i> .	Completed	Subject to privately lead planning scheme amendment requests.
R177	Maintain the Industrial 3 Zone (IN3Z) as the primary zone for managing industrial land use and development within the Shire.	Completed	No action required
R178	Undertake further detailed investigations into the merits of site-specific rezonings recommended by the <i>Industrial Areas Strategy (2018)</i> .	Completed	Subject to privately lead planning scheme amendment requests.
R179	Retain the existing application of both the Green Wedge and Farming Zones and associated schedule provisions.	Completed	- Green Wedge Management Plan was re-adopted in April 2019 - Whilst the GWMP makes recommendations to amend several local planning policies, it does not foreshadow any changes to the application or provisions of either the Green Wedge or Farming Zone. - No action required
R180	Complete the comprehensive audit of public open spaces across the Shire and rezone all parcels of land functioning as public open space to the appropriate zoning (i.e. PPRC, PUZ or PCRC).	Not started	To be completed as part of a future anomalies amendment following completion of Public Open Space Strategy.
R181	Pursue the recommendations of the <i>Tootgarook Wetland Management Plan (2018)</i> , specifically the rezoning of land at 92 Elizabeth Street, Capel Sound to PCRZ.	Completed	TWMP adopted 14 May 2018 Amendment C227morn gazetted on 20 October 2022
R182	Pursue any relevant rezonings arising from the review of Council's <i>Open Space Strategy (MPSC, 2003)</i> and adoption of Council's new Active Recreation (Sports Capacity Study).	Redundant	Council is preparing a new Public Open Space Strategy due for completion in 2025. The Mornington Peninsula Shire's Sports Capacity Plan - Volume 1 (Sports Fields) was adopted in 25 June 2019 and did not have any implications for the planning Scheme.
R183	Complete an audit of all PUZ land to identify any anomalies in use or ownership that might warrant rezoning and amend the planning scheme as necessary.	Not started	Audit is yet to commence. Any changes to the planning scheme to be actioned by a future anomalies planning scheme amendment.
R184	SUZ3 (Airfield Development) – review the purpose and decision guidelines and amend as appropriate to ensure consistency with the <i>Tyabb Airfield Precinct Plan (TAPP)</i> .	Redundant	Authorisation to prepare Amendment C233morn was withdrawn by Council on 16 July 2021.
R186	Further strategic work to review submission by Balcombe Estuary Reserves Group Mt Martha Inc. (BERG) in regard to implementation of ESO to Balcombe Estuary Reserves, and subject to the outcomes of this an amendment to the planning scheme to facilitate the ESO.	Underway	Amendment C241morn seeks to implement the recommendations of the Balcombe Estuary and Associated Reserves Ecological and Planning Study (adopted by Council on 15 August 2022) by applying an Environmental Significant Overlay.
R187	Continue to pursue Amendment C214 to implement the findings of Stage 2 of the Heritage Review.	Completed	Amendment C214morn gazetted on 24 October 2019

Rec.	Description	Status	Comment
R188	Upon completion of works for Stage 3 and Stage 4, prepare and pursue an amendment to further update the Heritage Overlay.	Underway	Heritage Review, Stage 3 adopted 19 August 2019 and implemented by Amendment C262 Parts 1 & 2 in 2022. Stage 4 to commence in 2023/2024
R189	Amend the Planning Scheme to correct the HO Schedule mapping reference number for 'Balcombe Gates, Oval and Carpark' from HO142 to HO326.	Completed	A technical error was identified in the gazettal of Amendment C171 – in which duplication of 'HO142' appeared and 'HO326' was removed from the Schedule entirely. 'Map reference number' HO142 is repeated twice in the Schedule as: 'HO142 Former Vicarage 64 King Street, Hastings'; and 'HO142 Balcombe Gates, Oval and Carpark 18 Tal Tals Crescent, Mount Martha'.
R190	Amend the Planning Scheme to apply the Heritage Overlay to the 'Former Commonwealth Aircraft Corporation Hangar' (VHR094).	Completed	Technical error corrected by applying HO325 to land included on the Victorian Heritage Register (VHR094), the Former Commonwealth Aircraft Corporation Hangar located at 110 Stuart Road, Tyabb. Corrected by Amendment C267morn gazetted 6 June 2022.
R192	Amend DDO Schedule 1 to include dwelling extension or alteration and outbuilding as permit triggers if they do not meet the General Requirements of the Schedule.	Redundant	DDO1 reviewed as part of C219morn. No change required as works associated with a single dwelling.
R193	Amend DDO Schedule 19, 20 and 23 to include dwelling extension or alteration and outbuilding as permit triggers if they do not meet the General Requirements of the Schedule.	Redundant	DDO1 reviewed as part of C219morn. No change required as works associated with a single dwelling.
R194	Amend DDO Schedule 1, 2, 3, 4, 5, 6 and 7, 11, 17, 22, 23 and 24 to remove dependent persons unit from 'no permit required'. Insert dependent persons unit under permit requirements to specify that a permit is required if a dependent persons unit does not meet the General Requirements of the Schedule.	Redundant	DDO1 reviewed as part of C219morn. No change required as dependent persons unit no longer included in parent provision.
R195	Amend DDO Schedules 1, 2, 6, 7, 11 and 24 to remove reference to 'except for the purpose of constructing an in ground swimming pool' under General Requirements.	Underway	Planning Scheme Amendment C219morn underway.
R196	Amend all DDO Schedules that include permit trigger for cut/fill under General Requirements to consistently worded requirement: 'The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly batter or retained'.	Underway	General requirement is to be reviewed as part of the Residential Heights Review Project which is due for completion in 2025. Any changes to the wording will be implemented by a planning scheme amendment.
R197	Amend DDO Schedules 1, 2, 3, 5, 11 to change reference under General Requirements from 'no building may exceed a wall height of 5.5 metres or a building height of 6 metres' to 'a building must not exceed a wall height of 5.5 metres or a building height of 6 metres'.	Underway	General requirement is to be reviewed as part of the Residential Heights Project which is due for completion in 2025. Any changes to the wording will be implemented by a future planning scheme amendment.
R198	Amend DDO Schedule 2 to change reference under General Requirements for subdivision for Birdrock/Clarkes Avenue precinct to table.	Underway	Planning Scheme Amendment C219morn underway.
R199	Further Strategic Work to inform a Detailed Design Development Overlay Review.	Underway	Partly being addressed by Amendment C219morn and the Residential Heights Review Project both of which are currently underway. Any changes will be implemented by a future planning scheme amendment.
R200	Amend the planning scheme to Remove DDO Schedule 8 Buffer Distances from oil and Gas Pipelines.	Completed	Schedule 8 to the Design and Development Overlay deleted via C279morn as it no longer applies to land within the planning scheme and is redundant.
R201	Amend the planning scheme to Remove DDO Schedule 9 Acoustic Design.	Not started	The Schedule is only relevant to two sites in proximity of one another with the purpose to ensure that future development was designed to protect residents from external noise. Both sites have now been developed, with consideration given to the Schedule, so the Schedule no longer serves a purpose. Schedule be deleted as part of a future anomalies planning scheme amendment.
R202	Amend the DDO Schedule 11 to remove reference to the requirement for a Section 173 Agreement under the Subdivision clause.	Underway	Amendment C219morn seeks to remove the mandatory condition that requires that an agreement subject to Section 173 of the Planning and Environment Act 1987 related to development contributions and public open space be entered into when subdividing. The removal will reflect the VCAT findings in Cameron Manor Pty Ltd v Mornington Peninsula (Red Dot) [2007] VCAT 1822 (5 October 2007), that the head clause does not include a power to specify that a permit must include any conditions in a Schedule to the overlay. It is noted that the landscape design guidelines and net gain response to native vegetation can be managed via standard planning permit conditions.
R203	Amend the DDO Schedule 11 to remove the requirement for a public space/walkway connection between Clendon Close and Marlo Grove under the Subdivision clause.	Underway	The requirement for the provision of a public open space/walkway connection between Clendon Close and Marlo Grove was approved and developed in accordance with permit P08/2237. The requirement is therefore redundant and C219morn seeks to remove this requirement.
R204	Amend the DDO Schedule 12 (11 Clarkestown Ave & 73-75 Canadian Bay Rd, Mt Eliza) to remove Clause 4.0 Advertising signs.	Completed	Completed via C255morn gazetted 22 July 2021
R205	Amend the DDO Schedule 13 Mornington Activity Centre to move requirements for 3 dimensional modelling and site context and design response to a new Clause 'Application Requirements'.	Not started	The General Requirements of the Schedule specify that any application to construct a building over 7 metres should be accompanied with a representation of the proposal in electronic format, suitable for use in the 'Simurban' computer model. The 'Simurban' model is now outdated and difficult to use so this reference to the specific model is to be removed by a future anomalies planning scheme amendment.
R206	Amend the DDO Schedule 13 Mornington Activity Centre to remove reference to 'Simurban' and replace with 'three-dimensional modelling'.	Not started	The General Requirements of the Schedule specify that any application to construct a building over 7 metres should be accompanied with a representation of the proposal in electronic format, suitable for use in the 'Simurban' computer model. The 'Simurban' model is now outdated and difficult to use so this reference to the specific model is to be removed by a future anomalies planning scheme amendment.
R207	Amend the DDO Schedule 24 to change the reference to 'should' in Table 1 Modified Requirements of Clause 54 (One Dwelling on a Lot) and clause 55 (Two or More Dwellings on a Lot and Residential Buildings) Standards to 'must'.	Underway	Planning Scheme Amendment C219morn underway.
R208	Delete redundant DPO3, DPO5, DPO6, DP08, DP010, DP011, DP013, DP014, DP015, DPO16, and DPO18 from the planning scheme, and retain remaining schedules.	Completed	Amendment C267morn removed DPO3, DPO5, DPO6, DP08, DP010, DP011, DP013, DP014 and DPO16 as the sites have been developed. The remaining DPO15 and DPO18 to be removed as part of a future anomalies planning scheme amendment.
R209	Continue to monitor the completion of approved Development Plans, and remove corresponding schedules as appropriate.	Completed	Amendment C267morn removed DPO3, DPO5, DPO6, DP08, DP010, DP011, DP013, DP014 and DPO16 as the sites have been developed. The remaining DPO15 and DPO18 and any further redundant Schedules to the DPO to be removed as part of a future anomalies planning scheme amendment.
R210	Merge the application requirements of EMO3 into EMO1, delete the schedules for EMO2 and EMO3, and renumber mapping of EMO2 and EMO3 to EMO1.	Not started	Complete the comprehensive review and update of the Shire's landslip susceptibility data and modelling, and update the ordinance and mapping of the Shire's EMOs. This work is subject to funding and resourcing.
R211	Complete the comprehensive review and update of the Shire's landslip susceptibility data and modelling, and update the ordinance and mapping of the Shire's EMOs.	Not started	Complete the comprehensive review and update of the Shire's landslip susceptibility data and modelling, and update the ordinance and mapping of the Shire's EMOs. This work is subject to funding and resourcing.

Rec.	Description	Status	Comment
R212	Update and amend application of the LSIO upon completion of the Third Phase Coastal Hazard Assessment for the Port Phillip coastline.	Not started	Awaiting State Government to release the <i>Port Phillip Bay Coastal Hazard Assessment</i> (delivery date as yet unknown) and revision of <i>Sea Level Rise Benchmarks</i> (expected end 2023). Council is advocating via the Municipal Association of Victoria's (MAV) Association of Bayside Municipalities (ABM) for the Minister for Planning to implement appropriate planning controls to areas identified as at-risk in the PPBCA via a Ministerial amendment.
R213	Investigate application of the Special Building Overlay (SBO) to ensure local overland flooding risk is appropriately captured and managed by the planning scheme.	Not started	Revised flood modelling being prepared in partnership with Melbourne Water Implementation of a planning scheme amendment is subject to funding and resourcing.
R214	Review application of PAO1 and PAO6 with the Roads Corporation and South Eastern Integrated Transport Authority respectively, and amend the overlay as necessary.	Completed	Both PAOs are to remain unless the Department of Transport & Planning request their removal.
R215	Confirm ongoing currency of PAO5 with the Department of Education, Employment and Training and remove the overlay if appropriate.	Not started	PAO5 relates to the land acquired by the Minister for Education for the use and development of Benton Junior College. As the site has since been transferred to the Department of Education, Employment and Training (DEET) for ownership and the College has been constructed, PAO5 may no longer be required. As such, Council should seek consent from the DEET to remove PAO5. To be part of a future anomalies planning scheme amendment.
R216	Continue to apply the EAO to identified contaminated sites. The purpose of the EAO is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.	Redundant	No changes required to existing EAOs
R217	Finalise the review and audit of land for inclusion in EAO and amend application of the EAO accordingly.	Not started	Council is currently conducting an internal audit and review of all known sites within the Shire that comprise potentially contaminated land, as well as identifying any additional parcels that require further investigation. Implementation of a planning scheme to apply the EAO to identified sites is subject to funding and resourcing
R218	Delete Restructure Overlay Schedule 9: Bungower Road Area Restructure Plan and associated Incorporated Plan listed in the schedule to Clause 81. (Documents Incorporated in this Scheme).	Completed	Completed via Planning Scheme Amendment C267morn gazetted 6 June 2022
R219	Investigate introduction of the Development Contributions Plan Overlay to the planning scheme upon preparation and adoption of a staged, Shire-wide Development Contributions Plan.	Not started	Investigation to commence in 2023/2024.
R220	Investigate the potential to introduce the Parking Overlay to the planning scheme for application in the Shire's townships, especially the Major Activity Centres.	Completed	Completed via Amendment C281morn gazetted 24 February 2022 that introduced Clause 45.09 (Parking Overlay) and Schedule 1 to Clause 45.09 (Parking Overlay) to the Mornington, Rosebud and Hastings Major Activity Centres.
R221	Amend Clause 52.01 to replace reference to Residential Zone 1 (R1Z) to General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) subject to outcome of Amendment C219.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R222	Review Planning Permit information for 1440 Frankston-Flinders Road Tyabb against Section 173 Agreement to confirm if requirement of Agreement has been undertaken. If the works have been completed, amend Schedule to Clause 52.01 Subdivision and public open space contribution to remove reference to property.	Not started	Future anomalies planning scheme amendment.
R223	Monitor outcome of POS payment for 470-474 Browns Road, Rye, subject of P17/0498. Amend Clause 52.01 Subdivision and public open space contribution to remove reference to this property once the payment has been confirmed.	Completed	Completed via Planning Scheme Amendment C226morn gazetted 10 October 2019
R224	Amend Clause 52.02 Easements, Restrictions and Reserves to remove reference to 105 Latrobe Parade.	Completed	Completed via Planning Scheme Amendment C267morn gazetted 6 June 2022
R225	Amend Clause 52.02 to remove reference to easements.	Completed	Completed via Planning Scheme Amendment C267morn gazetted 6 June 2022
R226	Amend Clause 52.03 Specific Sites and Exclusions to remove reference to Dromana Mixed Use Development, June 2002.	Completed	Completed via Planning Scheme Amendment C267morn gazetted 6 June 2022
R227	Amend Clause 52.03 Specific Sites and Exclusions to remove reference to land on the McCrae Foreshore for Development of Temporary Facilities for the Rosebud Life Saving Club, November 2003.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R228	Amend Clause 52.04 to remove reference to Township Zone.	Completed	Completed via VC226 which incorporated revised content into Clause 52.19
R229	Remove reference to <i>Conditions for Use and Development of Temporary Facilities for the Rosebud Life Saving Club</i> , November 2003.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R230	Remove reference to <i>Dromana Mixed Use Development</i> , June 2002.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R231	Remove reference to <i>Peninsula Link Project, Incorporated Document, July 2009</i> (amended June 2011 and February 2014).	Not started	Future anomalies planning scheme amendment.
R232	Remove reference to <i>Woodlands Estate Somerville</i> , April 1999. There are 31 local 'Incorporated Documents' listed in the Schedule to Clause 81.01 of the Mornington Peninsula Shire Planning Scheme.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R233	Remove reference to <i>Restructure Plans Incorporated Under Clause 45.05 – Bungower Road Area Restructure Plan</i> , December 2011.	Completed	Completed via PPF Translation Amendment C279morn gazetted 16 September 2021
R234	Rezone land located 1A Foreshore Road, Balnarring from GRZ1 to PCRZ. Land identified as part of parcel 1A Foreshore Road, Balnarring and owned by DELWP, generally located along south side of Foreshore Road Balnarring identified in mapping (Map No 31) as General Residential Zone 1.	Completed	Completed via Planning Scheme Amendment C267morn gazetted 6 June 2022
R235	Review current RO1 arrangement and subject to outcome of review, an amendment to the planning scheme to facilitate movement of the RO1 across 2 parcels.	Not started	Future anomalies planning scheme amendment.

11.2. Appendix 2 - Planning Scheme Amendments Since 2018 Planning Scheme Review

Appendix 2

Planning Scheme Amendments since 2018 Planning Scheme Review

Completed 'C' amendments, November 2018 to December 2023

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C270	06-Sep-23	Rezones sites outside the UGB from SUZ2 to GWZ3, PCRZ, or PPRZ, and deletes specific sites from Cl. 51.02.	Site specific	Approved with changes	Yes
C239	31-Aug-23	Applies new HO543 to Fenton Hall, Merricks North; revises existing HO127 at the former Camp Buxton, Shoreham.	Site specific	Approved with changes	Yes
C232	24-Aug-23	Introduces a local Environmentally Sustainable Design policy.	Policy related	Approved with changes	Yes
C299	22-Jun-23	Extends the expiry date of DDO28 that applies to the Ocean Beach Road commercial district for 12 months.	Administrative	Approved	-
C296	20-Apr-23	Implements Section 56 of the Heritage Act 2017 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.	Administrative	Approved	-
C284	30-Mar-23	Rezones land known as the Old Tyabb Reclamation Area from Public Use Zone 7 to Port Zone to recognise and facilitate its ongoing use as a port.	Site specific	Approved	-
C297	24-Mar-23	Introduces an incorporated document and Specific Controls Overlay to land at Esso's Long Island Point Fractational Plant and several road reserves in Hastings to facilitate the use and development of an energy generation facility.	Site specific	Approved	-

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C227	20-Oct-22	Implements the recommendations of the Tootgarook Wetland Management Plan by amending existing ESOs, introducing a new schedule to the ESO to the current extent of the wetland, and rezoning public land parcels to more suitable zones at this site.	Site specific	Approved with changes	Yes
C282	13-Oct-22	Implements the recommendations from the Crib Point Township Plan and Western Port Coastal Villages and Surrounding Settlements Strategy by amending DDO21 and applying it to C1Z land in Disney Street, Crib Point.	Site Specific	Approved with changes	-
C228	06-Oct-22	Applies a new DPO schedule (23) and removes DDO6 to a site on Bungower Road, Mornington.	Site specific	Approved with changes	Yes
C275	07-Jul-22	Implements the Rye Urban Design Guidelines by applying DDO58 and rezoning residential land in the township to MUZ and C1Z, in accordance with the recommendations of the adopted Rye Township Plan.	Policy related	Approved with changes	Yes
C269	30-Jun-22	Implements the Baxter and Somerville Structure Plans by introducing DDO25, 30 and 31 to the commercial areas of Baxter and Somerville, rezones part of 18 Thomas Street, Baxter, and other associated changes.	Policy related	Approved with changes	Yes
C291	16-Jun-22	Corrects administrative errors made through the gazettal of Amendment C262morn Part 2	Administrative	Approved	-
C267	06-Jun-22	Correct various ordinance and mapping anomalies, removes redundant provisions and applies a permanent Heritage Overlay to 39 Graydens Road, Hastings and 112 Stuart Road, Tyabb.	Administrative / site specific	Approved with changes	-

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C262 Part 2	26-May-22	Implements the Heritage Review, Stage 3, by applying the HO to places of local heritage significance and incorporating relevant documents.	Site specific	Approved with changes	Yes
C288	31-Mar-22	Corrects obvious and technical errors approved by Amendments C287morn and C255morn.	Administrative	Approved	-
C263	03-Mar-22	Incorporates a plan to allow for the development and use of a medical centre that would otherwise be prohibited under the zone (Alexandra Park, Mornington).	Site specific	Approved	Yes
C281	24-Feb-22	Introduced Parking Overlay (Schedule 1) to Mornington, Rosebud, and Hastings Major Activity Centres.	Site specific	Approved with changes	-
C242	28-Jan-22	Extends the expiry date of the existing interim Schedule 28 to Clause 43.02 Design and Development Overlay (Ocean Beach Road Commercial Precinct) to 31 July 2023.	Administrative	Approved	-
C287	24-Dec-21	Corrects errors that occurred in C255 and extends interim HO controls for nine sites by 6 months.	Administrative	Approved	-
C262 Part 1	25-Nov-21	Implements the Heritage Review, Stage 3, by applying the HO to various sites of local heritage significance and incorporating related documents. <i>(Part 1 is for sites where no objecting submissions were received.)</i>	Site specific.	Approved with changes	-
C285	02-Sep-21	Corrects an error in DDO28 that occurred as part of the gazettal of C255	Administrative	Approved	-

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C253	27-Aug-21	Rezones three parcels of land from PUZ to GWZ.	Site specific	Approved	-
C283	27-Aug-21	Applies the SCO to a 2.5ha parcel in Somerville and incorporates a related document to facilitate non-port-related manufacturing.	Site specific	Approved	-
C255	22-Jul-21	Corrects inconsistencies between local schedules, VPPs, and MD on form and content.	Administrative	Approved	-
C279	22-Jul-21	Translates the LPPF into the new format to be consistent with the changes introduced to the VPPs under VC148.	Administrative	Approved	-
C237	24-Jun-21	Amends the schedule to the HO to extend expiry dates of interim HOs for 6 months; required to protect places whilst C262 parts 1 & 2 (permanent controls) are considered.	Administrative	Approved	-
C224	18-Mar-21	Implements the objectives of the Dromana Township Project Report by applying a Design and Development Overlay to the commercial area of the Dromana Township.	Policy related	Approved	Yes
C277	07-Dec-20	Corrects the identification the existing Schedule to the Land Subject to Inundation Overlay as Schedule 1 to the Land Subject to Inundation Overlay.	Administrative	Approved	-
C261	15-Oct-20	Applies the Heritage Overlay to new individual places and precincts in the townships of Blairgowrie, Portsea and Sorrento, on an interim basis until 30 June 2021.	Site specific	Approved	-

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C276	31-Jul-20	Extends the expiry date of interim Heritage Overlay HO463 applying to 12 Graydens Road, Tyabb, until 30 July 2021.	Administrative	Approved	-
C274	29-May-20	Extend the interim expiry date in the Schedule to Clause 43.01 (Heritage Overlay) to include 12 Graydens Road, Tyabb (HO463), by a period of 2 months until 31 July 2020	Administrative	Approved	-
C258	06-Mar-20	Implements reforms introduced by VC148 to improve clarity and format of the Mornington Peninsula Planning Scheme by amending the schedule to the Specific Controls Overlay and Cl. 51.01 Specific Sites and Exclusions, to remove sites and incorporated documents that have been transferred under the SCO.	Administrative	Approved	-
C231	02-Mar-20	Extends the interim Heritage Overlay to the property at 12 Graydens Road, Tyabb for a period of three months, until 28 May 2020.	Administrative	Approved	-
C268	22-Jan-20	Extends the expiry date of existing interim schedule 28 to Clause 43.02 Design and Development Overlay (Ocean Beach Road Commercial Precinct) by two years to 31 January 2022.	Administrative	Approved	-
C190	19-Dec-19	Implements the findings of the Hastings Town Centre Structure Plan, October 2017 by applying built form controls to the area.	Policy related	Approved with changes	Yes
C206	22-Nov-19	Implements the Rosebud Activity Centre Structure Plan, by introducing new built form controls.	Policy related	Approved with changes	Yes

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C257	21-Nov-19	Applies the Heritage Overlay to 1146 Frankston-Flinders Road, Somerville (HO465) and 3808 Point Nepean Road, Portsea (HO464), and incorporates related statements of significance into the Schedule to Clause 72.04 on an interim basis, until 30 October 2020.	Site specific	Approved	-
C214	24-Oct-19	Implements the findings of the Mornington Peninsula Shire Heritage Review, Area 2 Volume 2 and additional separately prepared citations by introducing permanent Heritage Overlays to 49 new individual heritage places and 4 new group heritage places in Arthurs Seat, Capel Sound, Dromana, Fingal, Hastings, Main Ridge, McCrae, Red Hill, Rosebud, Rye, and Somerville.	Site specific	Approved with changes	Yes
C226	10-Oct-19	Deletes the Development Plan Overlay Schedule 20 from 470 Browns Road and 87 & 89 Glenvue Road, Rye and deletes the site specific requirement for a public open space contribution of 10 per cent.	Site specific	Approved	-
C254	04-Oct-19	Amends the Special Use Zone – Schedule 2 to reinstate a Residential aged care facility as a Section 2 – Permit required use and corrects a number of minor errors in the Special Use Zone – Schedule 2 and the Schedule to Clause 51.02 Metropolitan Green Wedge Land	Administrative	Approved	-
C264	31-Jul-19	Extend the expiry of schedule 28 to Clause 43.02 - Ocean Beach Road Commercial Precinct	Administrative	Approved	-
C210	06-Jun-19	Rezones land in Creswell Street and Cooma Street, Crib Point, from INZ3 to NRZ1, applies DCPO1, EAO on specific sites, and deletes the redundant RO.	Site specific	Approved with changes	Yes

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C260	30-May-19	Extends the interim controls by 6 months (to 1 December 2019) in the schedule to Clause 43.01 Heritage Overlay that apply to 53 individual places, five group listings and one precinct in the townships of Arthurs Seat, Capel Sound, Dromana, Fingal, Portsea, Hastings, Main Ridge, McCrae, Red Hill, Rosebud, Rye and Somerville.	Administrative	Approved	-
C216	21-Mar-19	Applies the Land Subject to Inundation Overlay to land identified by Melbourne Water as vulnerable due to hazards associated with coastal erosion, flooding, sea level rise and storm surge around Western Port and updates related policy.	Policy related / Site specific	Approved with changes	Yes
C251	21-Mar-19	Applies the Heritage Overlay (HO401) to 12 Graydens Road, Tyabb on an interim basis until 28 February 2020, removes interim heritage controls from various properties and makes corrections to the Schedule to the Heritage Overlay.	Site specific	Approved	-
C215	24-Jan-19	Introduces the Heritage Overlay on an interim basis until 1 June 2019 to 53 individual places, five group listings and one heritage precinct in the townships of Arthurs Seat, Capel Sound, Dromana, Fingal, Portsea, Hastings, Main Ridge, McCrae, Red Hill, Rosebud, Rye and Somerville, and makes other minor and consequential changes to the Mornington Peninsula Planning Scheme.	Site specific	Approved	-
C250	08-Nov-18	Incorporates a new document into the scheme: 'Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings, July 2018' to facilitate the development of the land for the Hydrogen Energy Supply Chain Project.	Site specific	Approved	-
C221	28-Jun-18	Changes the planning provisions for land owned by the Victorian Government at 33-33A Jacksons Road, Mount Eliza (introduced HO).	Site specific	Approved	-

‘C’ Amendments underway

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C219	-	Implements the Housing and Settlement Strategy: Refresh 2020-2036, and Neighbourhood Character Study and Guidelines by making substantial changes to zones, overlays, and policies affecting residential areas.	Policy related	Underway	Yes
C241	-	Implement the Balcombe Estuary Study by applying a new ESO(23) to land in Mount Martha and associated changes.	Site specific	Underway	-
C243	-	Rezone land in Somerville from SUZ1 to INZ3, introduce new Local Policy (Industry) at Cl. 17.03, and new schedule to DDO(24).	Policy related / Site specific	Underway	-
C246	-	Introduce Particular Provision for elevated Environmentally Sustainable Development targets.	Policy related	Underway	-
C249	-	Proponent-led S.96A rezoning LDRZ land to NRZ58, associated subdivision, and other related changes.	Site specific	Underway	-
C271	-	Implement the Western Port Coastal Villages and Surrounding Settlements Strategy by revising DDOs to commercial and industrial land, updating SLO2 mapping in foreshore areas, and introducing LSIO, EMO6 to land prone to coastal erosion and inundation hazards.	Policy related	Underway	Yes

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status	Panel hearing?
C286	-	Applies the Design and Development Overlay (DDO28) to the Ocean Beach Road Commercial Precinct in Sorrento on a permanent basis and implements the recommended changes from the <i>Ocean Beach Road Built Form Review</i> .	Policy related	Underway	-
C256	-	Combined 96A planning scheme amendment and planning permit, which seeks to apply DPO21 to a specific site in Mount Eilza, to facilitate a two-lot subdivision	Site specific	Underway	-
C293	-	Rezones a single, underutilised site on Frankston-Flinders Road, Somerville from TRZ3 to C1Z, and applies DDO30 (Somerville Town Centre).	Site specific	Underway	-
C300	-	Extends the expiry of the existing Creswell Street East Crib Point Development Contributions Plan, April 2018 incorporated document until Amendment C295morn is completed	Site specific	Underway	

Amendments not progressed – withdrawn, abandoned or not authorised

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status
C262 Part 3	-	Proposed to apply a permanent HO to four sites.	Site specific	Did not progress: Abandoned
C217	-	Proponent-led, S.96A rezoning from LDRZ to NRZ at Hearn Rd, Mt Martha	Site specific	Did not progress: Withdrawn

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status
C218	-	S.96A - Rezone land from LDRZ to NRZ at 170 Boundary Road, Dromana, and other changes.	Site specific	Did not progress: Authorisation refused
C222	-	Apply HO to one site 12 Graydens Rd Tyabb	Site specific	Did not progress: Withdrawn
C233	-	Implements recommendations of Tyabb Airfield Precinct Plan by updating SUZ schedule and introducing new DDO29	Site specific	Did not progress: Withdrawn
C234	-	Apply interim HO to part 39 Graydens Road, Hastings	Site specific	Did not progress: Withdrawn
C235	-	Rezones land outside UGB to from SUZ4 to GWZ2	Site specific	Did not progress: Authorisation refused
C238	-	Applies interim HO at 4295 Frankston-Flinders Road, Shoreham	Site specific	Did not progress: Repealed by Minister
C244	-	Apply interim HO to 32 Skinner Street, Hastings.	Site specific	Did not progress: Withdrawn
C245	-	Apply permanent HO to 32 Skinner Street, Hastings.	Site specific	Did not progress: Withdrawn

Amendment number	In operation from	Description of Amendment	Type of Amendment	Status
C262	-	Implements the Heritage Review, Stage 3, by applying the HO to places of local heritage significance and incorporating relevant documents.	Site specific	Did not progress: Split parent
C265	-	Rezone 60 Kunyung Road, Mt Eliza from SUZ2 to GWZ3 - requested under S.20A	Site specific	Did not progress: Refused by Minister
C272	-	Proponent led rezoning of land to facilitate gas importation - submitted directly to Minister / DELWP.	Site specific	Did not progress: Refused by Minister
C278	-	Interim HO and extended interim HOs across various places.	Administrative	Did not progress: Withdrawn
C280	-	Apply HO to individual places exhibited in C262.	Site specific	Did not progress: Withdrawn

11.3. Appendix 3 - 2023 Planning Scheme Review Priority Implementation Plan

Appendix 3 - Mornington Peninsula Planning Scheme Review 2023 - Priority Implementation Plan

2023 Action No.	2018 Reco No.	Description	Priority	Theme
Underway				
1	R1, R2, R4, R7, R12, R15, R191, R195, R198, R199, R202, R203, R207	Continue to pursue approval of Amendment C219morn to implement the findings of the Housing Settlement Strategy: Refresh 2020-2036 and the Neighbourhood Character Study and Guidelines into the planning scheme	High (underway)	Character, built form and design issues
2	R196, R197, R199	Complete the Review of Residential Height Planning Controls project and prepare a planning scheme amendment to implement the recommendations of the project, as required	High (underway)	Character, built form and design issues
3	R10, R16, R66, R172	Complete the Affordable Housing Development Contributions Strategy and prepare a planning scheme amendment to implement the recommendations of the Strategy.	High (underway)	Economic issues
4	R186	Complete Amendment C241morn to implement the findings of the Balcombe Estuary and Associated Reserves Ecological and Planning Study.	High (underway)	Economic issues
5	R41, R63	Continue to complete the Heritage Review (including Stage 4 and 5 and Watchlist) and prepare a planning scheme amendment to apply the Heritage Overlay to places of local significance.	High (underway)	Other land-use planning issues
6		Continue to pursue approval of Planning Scheme Amendment C271morn to implement the findings of the Western Port Coastal Villages and Surrounding Settlements Strategy.	High (underway)	Character, built form and design issues
7		Continue to progress Amendment C247morn (Woodbyne Cres, Mornington) and Amendment C249morn (Boundary & Collins Roads, Dromana) to deliver additional housing supply on the Peninsula.	High (underway)	Character, built form and design issues
8		Review and implement the Ocean Beach Road, Sorrento Built Form Review (Amendment C286morn)	High (underway)	Character, built form and design issues
9		Preparation of Shaping Dromana (Precinct Plan) to shape Dromana's future as a well-planned and sustainable township with a healthy, thriving and connected community.	High (underway)	Character, built form and design issues
10		Implementation of a revised Creswell Street, Crib Point Development Contributions Plan	High (underway)	Other land-use planning issues
11		Continue to pursue Amendment C249morn to rezone land at Boundary and Collins Roads, Dromana to facilitate additional housing supply and diversity.	High (underway)	Other land-use planning issues
12		Continue to pursue Amendment C293morn to rezone land near the Somerville Railway Station.	High (underway)	Other land-use planning issues
13		Continue to pursue Amendment C295morn to replace the existing Creswell Street East Crib Point Development Contributions Plan, April 2018 with a revised Development Contributions Plan (DCP) .	High (underway)	Other land-use planning issues
14		Continue to pursue Amendment C300morn to extend the expiry of the existing Creswell Street East Crib Point Development Contributions Plan, April 2018 incorporated document until Amendment C295morn is completed	High (underway)	Other land-use planning issues
15		Continue to pursue Amendment C256morn to apply the Development Plan Overlay to land at 4 Bundara Crescent, Mount Eliza to facilitate a two lot subdivision of the site.	High (underway)	Character, built form and design issues
16		Continue to pursue Amendments C243morn (Bungower Rd, Somerville) and C294morn (Hastings Industrial Precinct) to facilitate wider industrial uses for surplus SUZ1 land.	High (underway)	Economic issues
17		Continue to advocate for Ministerial authorisation of Amendment C246morn and the release of additional improvements to ESD provisions as part of the State Government's ESD Roadmap.	High (underway)	Climate change and associated risk
18		Continue to advocate for the State Government to reform existing bushfire planning provisions (including as-of-right vegetation removal exemptions) and mapping, to minimise unnecessary vegetation loss on private land within the Shire	High (underway)	Other environmental issues
19		Undertake a review of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document and prepare a planning scheme amendment to implement the findings of the review.	High (underway)	Character, built form and design issues
Not started				
20	R20 - R24	Consider the need to strengthen local policy against out-of-centre development and to refresh the Mornington Peninsula Activity Centres Strategy Review (April 2018) and Mornington Peninsula Industrial Areas Strategy (April 2018) before preparing an amendment to implement the key directions of each strategy into the planning scheme.	High	Character, built form and design issues
21		Review the need to prepare a planning scheme amendment to implement the 'Dwellings in the Green Wedge Policy' and 'Camping and Caravan Park Outside the Urban Growth Boundary' local policies following the release of State Government reforms to Green Wedge planning policy and controls.	High	Protection of Green Wedge values from developmental pressure
22	R213	Partner with Melbourne Water to prepare a planning scheme amendment based on revised flood modelling and mapping to apply the Special Building Overlay (SBO) to ensure local overland flooding risk is appropriately captured and managed by the planning scheme	High	Other environmental issues
23	R217	Finalise the review and audit of potentially contaminated sites on the Peninsula and prepare a planning scheme amendment to apply the EAO accordingly.	High	Other environmental issues
24	R219	Undertake a feasibility study to determine whether a Shire-wide or staged Development Contributions Plan should be introduced to the planning scheme and prepare a planning scheme amendment to implement the recommendations of the study, as required.	High	Other land-use planning issues
25		Seek to undertake a landscape character assessment of the Green Wedge to ensure future built form maintains the special amenity and scenic value of distinctive landscapes.	Medium	Protection of Green Wedge values from developmental pressure
26	R59	Prepare an amendment to the Planning Scheme to integrate the key strategic directives of the Biodiversity Conservation Plan and the findings of the Planning Provisions Review for Biodiversity Conservation project as required.	Medium	Other environmental issues
27	R105	Comprehensively review all environmental overlays (ESOs, SLOs and VPOs) and prepare a planning scheme amendment to implement any recommended changes to better protect biodiversity, including the introduction of more permit exemptions for the removal of invasive weed species	Medium	Other environmental issues
28	R211	Complete the comprehensive review and update of the Shire's landslip susceptibility data and modelling, and update the ordinance and mapping of the Environmental Management Overlays.	Medium	Other environmental issues
29	R70	Review the need for an amendment to rezone land at The Briars to implement Council's adopted The Briars Master Plan 2019-2029 and prepare an amendment if required.	Medium	Other land-use planning issues
30	R180	Complete the zoning audit of public open spaces across the Shire and prepare a planning scheme amendment to rezone parcels of land to the correct public zone as necessary.	Low	Other land-use planning issues
31	R139	Undertake a review of existing signage controls and policy and consider the need for a planning scheme amendment to introduced improved provisions to manage amenity impacts.	Low	Other land-use planning issues
32	R27, R61, R62	Upon completion of the Integrated Transport Strategy, prepare a planning scheme amendment to update the local policies or provisions as required.	Low	Economic issues
33	R17	Prepare a planning scheme amendment to integrate the vision, objectives and key directives of the Mornington Peninsula Economic Development & Tourism Strategy (under preparation), as required.	Low	Economic issues
34		Preparation of a Heritage Strategy to guide Council-led initiatives to help protect heritage places on the Peninsula	Low	Character, built form and design issues
35	R235	Undertake a review of all Restructure Overlays to ensure they are they are appropriately applied and/or required to rectify old and inappropriate subdivisions.	Low	Other land-use planning issues

2023 Action No. 2018 Reco No.		Description	Priority	Theme
New				
36		Review and clarify Activity Centre and Structure Plan boundaries in local planning policies following Amendment C219morn Panel recommendations and VCAT cases.	High	Character, built form and design issues
37		Continue to advocate for the State Government to release surplus land surrounding the Port of Hastings, including funding for the strategic planning and community engagement to determine the best uses with options to include housing, agriculture, areas for conservation, and industrial precincts to support the energy transition.	High	Character, built form and design issues
38		Continue to advocate and engage with the EES processes for major development proposals at the Port of Hastings as required	High	Other land-use planning issues
39		Seek to engage with the Port of Hastings Corporation on the preparation of the next Port Development Strategy expected in mid-2024 and review the Scheme to ensure the economic importance and State-significance of the Port of Hastings is recognised and aligns with the new Port of Hastings Development Strategy	High	Other land-use planning issues
40		Prepare an amendment to the Planning Scheme to integrate the key directions, findings and recommendations of Our Coast Our Future (currently under preparation), as required and consider the need to strengthen local policy to expressly discourage linear development of coastal land	Medium	Other environmental issues
41		Review the Mornington Activity Centre Structure Plan and prepare a planning scheme amendment to incorporate the revised Structure plan including changes to local policy or provisions, as required.	Medium	Character, built form and design issues
42		Prepare township plans for the remaining large townships, namely Mount Eliza and Bentons Square and prepare a planning scheme amendment to implement the plans as required.	Medium	Character, built form and design issues
43		Implement the recommendations of the Mornington Peninsula Open Space Strategy (under preparation) in the planning scheme through revised local policies and provisions as required	Medium	Other land-use planning issues
44		Prepare Urban Design Assessments of all small townships, local centres and convenience centres on the Port Phillip Bay side of the Mornington Peninsula (without specific built form controls) and prepare a planning scheme amendment to update local policies or provisions as required.	Medium	Character, built form and design issues
45		Determine the need to undertake a strategic review of the LDRZ areas to simplify the application of the LDRZ across the municipality, including a review of the Mornington North Outline Development Plan and associated local policy.	Low	Character, built form and design issues
Ongoing				
O-1	R13, R236	Continue to engage with the State Government to apply the Urban Growth Boundary around the urban areas of Balnarring Beach, Merricks Beach, Merricks and Point Leo under section 46AG of the <i>Planning and Environment Act 1987</i> .	Ongoing	Other land-use planning issues
O-2	R5, R57, R58, R132, R134, R136, R167, R185	Continue to advocate to the Minister for Planning for strong controls to protect the Green Wedge	Ongoing	Protection of Green Wedge values from developmental pressure
O-3	R73	Continue to advocate to the Minister for Planning for a statewide approach to the development and application of controls in response to the findings of the Port Phillip Coastal Hazard Assessment.	Ongoing	Climate change and associated risk
O-4		Continue to maintain the planning scheme by making administrative corrections as required and ensure it responds to updates in State policy and strategic directives.	Ongoing	Other land-use planning issues
O-5		Continue to advocate to State Government to improve the operation of the Victoria Planning Provisions as required	Ongoing	Other land-use planning issues
O-6		Continue to monitor the integrity of the PPF, application of local policy and the impact of VC amendments on the application of the Mornington Peninsula Planning Scheme	Ongoing	Other land-use planning issues
O-7		Continue to monitor the interpretation and application of local planning policy by the Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels to ensure the objectives of the Mornington Planning Scheme are achieved.	Ongoing	Other land-use planning issues
O-8		Continue to advocate for a partnership approach with State Government to advance any reforms so that local government and communities can continue to have a meaningful and effective role in land use and development planning processes.	Ongoing	Other land-use planning issues
O-9		Continue to respond to important State Government discussion papers and proposed planning reforms at every opportunity to ensure the unique needs of the Mornington Peninsula are addressed (e.g. Victoria's Housing Statement, Plan for Victoria, Planning & Environment Act 1987 Review, etc)	Ongoing	Other land-use planning issues
O-10		Structure Plan Progress Reports	Ongoing	Character, built form and design issues